

OK Federal Register

Tuesday
September 13, 1983

Selected Subjects

Administrative Practice and Procedure
Immigration and Naturalization Service

Chemicals
Environmental Protection Agency

Cotton
Agricultural Marketing Service

Flood Insurance
Federal Emergency Management Agency

Food Grades and Standards
Agricultural Marketing Service

Freedom of Information
Air Force Department

Methadone
Alcohol, Drug Abuse, and Mental Health Administration
Food and Drug Administration

Milk Marketing Orders
Agricultural Marketing Service



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The President

National Day of Mourning
Sunday, September 11, 1983

By the President of the United States of America

A Proclamation

To the People of the United States:

September 1, 1983, will be seared in the minds of civilized people everywhere as the night of the Korean Air Lines Massacre. Two hundred sixty-nine innocent men, women and children, from 13 different countries, who were flying aboard KAL flight 007, were stalked, then shot out of the air and sent crashing to their deaths by a missile aimed and fired by the Soviet Union.

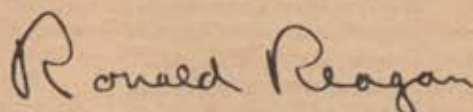
Good and decent people everywhere are filled with revulsion by this despicable deed, and by the refusal of the guilty to tell the truth. This was a crime against humanity that must never be forgotten, here or throughout the world.

We open our hearts in prayer to the victims and their families. We earnestly beseech Almighty God to minister to them in their trial of grief, sorrow, and pain.

In their memory, we ask all people who cherish individual rights, and who believe each human life is sacred, to come together in a shared spirit of wisdom, unity, courage, and love, so the world can prevent such an inhuman act from ever happening again.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in tribute to the memory of the slain passengers of Korean Air Lines flight 007, and as an expression of public sorrow, do hereby appoint Sunday, September 11, 1983, to be a National Day of Mourning throughout the United States. I recommend that the people assemble on that day in their respective places of worship, there to pay homage to the memory of those who died. I invite the people of the world who share our grief to join us in this solemn observance.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.



Published weekly, except on Sundays, and on the 1st of each month.

Subscription price, \$5.00 per annum in advance.

Single copies, 15 cents.

Entered as second-class matter, June 26, 1902.

Postpaid.

Accepted for mailing at special rate of postage provided for in Act of October 3, 1917.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Copyright, 1918, by American Medical Association.

Printed at the Chicago Press, Chicago, Ill.

Second-class postage paid at Chicago, Ill., and at additional mailing offices.

Postmaster: Send address changes to JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 North Dearborn Street, Chicago, Ill.

Wm. B. Ewing

Rules and Regulations

Federal Register

Vol. 48, No. 178

Tuesday, September 13, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Addition of New Grade Standards for American Upland Cotton on Trial Basis; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule establishing two new grade standards for American Upland cotton on a trial basis. The action is necessary to correct typographical errors in the codified text and the text of the preamble appearing on pages 37002 and 37003 in the *Federal Register* of Tuesday, August 16, 1983 (48 FR 37001).

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202/447-2167).

Corrections: The following corrections are made in FR Doc. 83-22401 appearing on pages 37002 and 37003 in the issue of August 16, 1983:

1. On page 37002, column three, first paragraph, the fourth sentence is corrected to read "All spotted cotton lower in grade than these two standards is now defined as Below Grade cotton."

2. On page 37002, column three, the second paragraph is corrected by changing the words "(one year from the date of publication)" to "August 16, 1984."

3. On page 37003, column one, 7 CFR 28.435 is corrected to read as follows:

§28.435 Strict Good Ordinary Spotted. (Tentative)

Strict Good Ordinary Spotted is American Upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted (Tentative), effective August 16, 1984."

Dated: September 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-24919 Filed 9-12-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 52

United States Standards for Grades of Canned Ripe Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule

SUMMARY: The purpose of this final rule is to revise the voluntary U.S. Standards for Grades of Canned Ripe Olives. The final rule was developed by the U.S. Department of Agriculture (USDA) at the request of the California olive industry. This rule would: (1) Delete "mixed sizes" from size designations; (2) change the count per pound for super colossal size olives from "26-40" to "40 or less"; (3) include definitions for "obvious split pit" and "misshapen"; (4) revise Tables IV, V, and VI which show limits for defects; and (5) incorporate minor editorial changes. The revision is designed to promote efficient and orderly marketing.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices for consumers;

individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

It is found that good cause exists for making this document effective upon publication in the *Federal Register* (5 U.S.C. 553) because: (1) The 1983-84 crop year begins in mid-August 1983, and this final rule should be effective by the time new crop deliveries from growers to processors begin; and (2) postponing the effective date of this final rule would serve no useful purpose and could cause administrative problems in the application of the U.S. Standards for Grades of Canned Ripe Olives.

The USDA received a petition from the California olive industry to revise the U.S. Standards for Grades of Canned Ripe Olives. The California olive industry produces the entire U.S. crop.

Data collected and reviewed by the Processed Products Branch supports industry's request to revise the U.S. grade standards for canned ripe olives.

The latest revision of the U.S. Standards for Grades of Canned Ripe Olives, effective August 4, 1981, brought the size designations in the U.S. grade standards into agreement with the Olive Marketing Order. Drained weight requirements were revised to reflect the changes in the size designations.

On July 8, 1983, a proposed rule was published in the *Federal Register* (48 FR 31406) to: (1) Delete "mixed sizes" from size designations; (2) change the count per pound for super colossal size olives from "26-40" to "40 or less"; (3) include definitions for "obvious split pit" and "misshapen"; (4) revise Tables IV, V, and VI which show limits for defects; and (5) incorporate minor editorial changes. The revision is designed to promote efficient and orderly marketing.

The comment filing period ended August 8, 1983.

Three comments were received through the Hearing Clerk. Comments were received from the California Olive Committee, Joseph Caragol, Incorporated, an importer, and the Association of the Food Industries, Incorporated, an association of importers.

The California Olive Committee, in fully endorsing the proposed revision, found that the proposed standards, "reflect current practices, assist in insuring consumers (of) an adequate supply of quality ripe olives and will not place undue and unnecessary burdens and costs on ripe olive canners."

Joseph Caragol, Incorporated, commented that changes in the proposed revision place an unreasonable risk on American importers and foreign shippers by changing known quantitative limits to an interpretive "fairly free" and place an unreasonable burden on USDA inspectors to properly and equitably interpret the designation of "fairly free," as applied to imports.

The Association of Food Industries, Incorporated, commented that confusion exists in the trade as to the changes in Table VI—Limits for Defects in Grade C—as they relate to segmented, sliced, and chopped olives. The spokesman for the Association requested an additional thirty days for comments to review other related material (grading manual). The USDA has determined that sufficient time (30 days) was provided for interested parties to prepare comments and an extension of the comment period would not serve any useful purpose to the industry or consumers.

The use of descriptive terms (e.g. "fairly free") provides flexibility in both grade standards and marketing orders such as those for olives with requirements which may need to be changed due to crop conditions or other factors. Usually, the quantitative limits for such requirements are specified in the inspection manual and may be changed readily as conditions warrant.

An error appeared in Table V of the proposed revision in the limit for major stems in "halved per 100 halves." The limit should be "3" instead of "0". The error has been corrected in this rule.

This rule revises the U.S. grade standards in conformance with current olive industry practices and provides an improved basis for adaptation to olive marketing order requirements. This rule also deletes specific references to single sizes within the grades and deletes

"mixed sizes" from the grade standards because mixed sizes are not in demand and cause confusion in the marketplace. The revision changes the count per pound for super colossal size olives from "26-40" to "40 or less" to facilitate the marketing of olives that are larger than 26 count.

Definitions of "obvious split pit" and "misshapen" units, not defined in the current U.S. grade standards but listed in the defect tables, have been added. Revision of Tables IV, V, and VI which show limits for defects and minor editorial changes recommended by the California olive industry are incorporated into this revision.

List of Subjects in 7 CFR Part 52

Fruit and vegetable, Food grades, Standards.






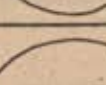
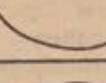
Accordingly, the United States Standards for Grades of Canned Ripe Olives (7 CFR 52.3754 and 52.3761) are revised to read as follows:

1. Section 52.3754(b) is revised to read as follows:

§ 52.3754 Size designations for whole and pitted style.

(b) *Size determination.* Size of canned whole or pitted olives shall conform to the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next smaller size.

TABLE 1
SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	APPROXIMATE DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60		22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	40 or less		26 and over

2. Section 52.3756 (a), (b), and (c) are revised to read as follows:

§ 52.3756 Grades of canned ripe olives.

(a) *U.S. Grade A* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a good color, that is practically free from defects, that has a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided*, That such canned ripe olives may have a reasonably good color if the total score is not less than 90 points; and further *Provided*, That in the styles of whole and pitted olives, the variation in diameters does not exceed 4 mm, and of the 90 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 3 mm.

(b) *U.S. Grade B* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a reasonably good color, that is reasonably free from defects, that has a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided*, That for the styles of whole and pitted olives, the variation in diameters does not exceed 8 mm, and of the 80 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(c) *U.S. Grade C* is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles that has a reasonably good flavor, that has a fairly good color, that is fairly free from defects, that has a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided*, That for the styles of whole and pitted olives, of the 60 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

3. Section 52.3761 is revised to read as follows:

§ 52.3761 Defects.

(a) *General*. The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material, stems, and portions thereof, blemishes, wrinkles, mutilated olives,

and from any other defects which affect the appearance or edibility of the product.

(b) *Definition of defects*—(1)

Blemishes mean dark-colored surface marks in either ripe type or green-ripe olives which may or may not penetrate into the flesh. Olives or pieces of olives affected by blemishes are classified as follows:

(i) *Minor blemishes* mean surface discolorations on olives or pieces of olives which individually or collectively materially affect the appearance of the unit.

(ii) *Major blemishes* mean surface discolorations or black flesh (oxidized) on olives or pieces of olives which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility of the unit.

(iii) *Severe blemishes* mean dark brown, dark purple, or black surface areas on olives or pieces of olives of the green-ripe type; or any other blemishes, whether or not specifically defined, which severely affect the appearance or edibility of the unit.

(2) *Blowout* refers to a soft pitted olive in which the pit has been pushed out instead of cut out leaving an irregular ring of flesh that materially affects its appearance.

(3) *Broken piece* in halved, segmented, and sliced style olives means any piece of olive flesh that appears to be less than three-fourths of a full unit. Also included are poorly cut units and end slices less than one-half the average size slice.

(4) *Cross pitted* refers to olives pitted along an axis other than the stem-flower axis. A defect is a unit where the angle of these two axes exceeds 45 degrees.

(5) *Harmless extraneous vegetable material*. Harmless extraneous vegetable material (HEVM), harmless extraneous material (HEM), and extraneous vegetable material (EVM), are synonymous terms and mean any vegetable substance that is harmless.

(6) *Mechanically damaged* means a unit in whole, pitted, and halved styles that is punctured, cut or damaged by means other than pitting so that its appearance is materially affected.

(7) *Misshapen* refers to an olive that does not have a normal shape for a given variety.

(8) *Mutilated* refers to an olive in whole or pitted styles that is so pitted, torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected.

(9) *Obvious split pit* means a pit in an olive that can be determined visually as split.

(10) *Pitter damage* means a loss of skin and flesh from a pitted olive caused by the pitter on the cut end exceeding the area of a circle 3 mm in diameter but is not mutilated.

(11) *Plunger damage* means a loss of skin and flesh from a pitted olive equal to or exceeding the area of a circle 5 mm in diameter.

(12) *Stem* means a stem that measures 3 mm or more from the shoulder of the olive. Stems are classified as follows:

(i) *Minor stem* is a stem that measures more than 3 mm but not more than 4 mm from the shoulder of the olive.

(ii) *Major stem* is a stem that measures more than 4 mm from the shoulder of the olive.

(iii) *Detached stem*, when it measures 4 mm or more, is a defect which shall be scored as a minor stem for whole pitted, halved, and broken pitted style olives and a major stem for segmented, sliced, and chopped style olives.

(13) *Wrinkles* are grooves 0.5 mm or more in width. Classification of wrinkles shall be determined immediately after removing surface moisture and any increase in wrinkles due to dehydration after removing from the container shall not be considered. Olives or pieces of olives affected by wrinkles are classified as follows:

(i) *Minor wrinkles* are wrinkles which collectively do not more than materially affect the appearance of the unit.

(ii) *Major wrinkles* are wrinkles which collectively more than materially affect the appearance of the unit.

(c) *Grade A*. Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that any defects present, but not specifically limited in Table IV, may not more than slightly affect the appearance or edibility of the olives; and, in addition, specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade A provided in Table IV.

(d) *Grade B*. If canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles are reasonably free from defects, a score of 32 to 35 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any defects present but not specifically limited in Table V may not more than materially affect the

appearance or edibility of the olives; and in addition, specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade B provided in Table V.

(e) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles are fairly free from defects, a score of 28 to

31 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present but not specifically limited in Table VI may more than materially affect the appearance and edibility of the olives; and in addition,

specified defects may be present in all other styles not to exceed the allowances for grade C provided in Table VI.

(f) *Substandard (SStd.).* Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE IV.—LIMITS FOR DEFECTS IN GRADE A

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 g (9 oz)	Sliced per 255 g (9 oz)	Chopped per 255 g (9 oz)
HEVM, HEM, or EVM	1	1	1	Practically free	Practically free	Practically free
Stems:						
Minor and major stems incl.	2	2	2			
Major stems	1	1	1	Practically free	Practically free	Practically free
Minor and major blemishes, minor and major wrinkles and mutilated.	5	5	10	Practically free	Practically free	Practically free
Provided:						
Major blemishes, major wrinkles do not exceed	2	2	5			
Further Provided: Mutilated do not exceed	1	1				
Broken pieces and poorly cut units			8	Practically free	Practically free	
Mechanical Damage	2	2	5			
Blowouts, cross pitted, plunger and pitter damage		5				
Obvious split pit or misshapen	2					
Sever blemishes (green-ripe type only)	0	0	0			

TABLE V.—LIMITS FOR DEFECTS IN GRADE B

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halves	Segmented per 255 g (9oz)	Sliced per 255 g (9oz)	Chopped per 255 g (9oz)
HEVM, HEM or EVM	1	1	1	Reasonably free	Reasonably free	Reasonably free
Stems:						
Minor and major stems incl.	3	3	3			
Major stems	1	1	1	Reasonably free	Reasonably free	Reasonably free
Minor and major blemishes, minor and major wrinkles and mutilated.	10	10	20	Reasonably free	Reasonably free	Reasonably free
Provided:						
Major blemishes, major wrinkles do not exceed	5	5	10			
Further provided: Mutilated do not exceed	2	2				
Broken pieces and poorly cut units			15	Reasonably free	Reasonably free	
Mechanical damage	5	5	10			
Blowouts, cross pitted, plunger and pitter damage		10				
Obvious split pit or misshapen	5					
Severe blemishes (green-ripe type only)	0	0	0			

TABLE VI.—LIMITS FOR DEFECTS IN GRADE C

	Whole per 50 olives	Pitted per 50 olives	Halved per 100 halved	Segmented per 255 g (9 oz.)	Sliced per 255 g (9 oz.)	Chopped per 255 g (9 oz.)	Broken Pitted per 255 g (9 oz.)
HEVM, HEM, or EVM	1	1	1	Fairly free	Fairly free	Fairly free	2
Minor and major stems inclusive.	4	4	4				
Major stems	2	2	2	Fairly free	Fairly free	Fairly free	4
Minor, major blemishes, major, minor wrinkles	No limit	No limit	No limit	Fairly free	Fairly free	Fairly free	No limit
Provided:							
Major blemishes, major wrinkles do not exceed	13	13	25				51 g ¹
Further Provided:							
Mutilated, major blemish and major wrinkles do not exceed	15	15	30				
Mutilated do not exceed	5	5	10				No limit
Broken pieces and poorly cut units			25	Fairly free	Fairly free		
Mechanical damage	10	10	20				
Blowouts, cross pitted, plunger and pitter damaged		15					
Obvious split pit or misshapen	No limit						
Severe blemishes (green-ripe type only)	3	3	3	0	0	0	

¹ Major blemishes only

(Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on September 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

(77 Dec. 83-24803 Filed 9-12-83; 8:45 am)

BILLING CODE 3410-02-M

7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Temporary Revision of the Supply Plant Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action reduces temporarily the pooling standards for supply plants under the Southwest Plains Federal milk order. This reduction of the shipping standard from 50 percent of receipts to 40 percent was requested by the operator of a supply plant that is regulated as a pool plant by the Southwest Plains order. The handler contends that the reduction is necessary because increases in milk production without any corresponding increase in fluid milk sales have reduced the need for supply plant milk at distributing plants. In view of the market's supply-demand imbalance, it is concluded that the supply plants pooling standards should be reduced to prevent uneconomic shipments of milk to distributing plants from supply plants.

Notice of this proposed action was published in the *Federal Register* and interested parties were given the opportunity to submit comments on the proposed action. A cooperative association supported the proposed action and no views in opposition to the action were received.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: John F. Borovics, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Proposed Temporary Revision of Shipping Percentage: Issued August 16, 1983; published August 19, 1983 (48 FR 37657).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require

that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the supply plant shipping requirement for September 1983 would be modified. The initial request for the action was received on August 4, 1983. Public comments on the proposed action were due August 26, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced and pooled under the order and thereby receive the benefits that accrue from such pricing.

This temporary action is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the provisions of § 1106.7(d) of the Southwest Plains milk order.

Notice of proposed rulemaking was published in the *Federal Register* (48 FR 37657) concerning a proposed decrease in the shipping requirement for pool supply plants for the months of September 1983 through January 1984. Interested parties were afforded the opportunity to comment on the proposal by submitting written data, views, and arguments. The action was supported by a cooperative association and no views in opposition to the action were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of September 1983 through January 1984 the supply plant shipping percentage of 50 percent as set forth in § 1106.7(b) should be decreased to 40 percent.

Pursuant to the provisions of § 1106.7(d), the supply plant shipping percentage may be increased or decreased up to 10 percentage points during any month to encourage additional shipments of milk to pool

distributing plants or to prevent uneconomic shipments.

Kraft, Inc., which operates a supply plant regulated by the Southwest Plains order, requested this temporary revision of 10 percentage points in the supply plant shipping standard. Kraft stated that over the past year the Southwest Plains market has experienced an increase in milk production without a corresponding increase in Class I sales. The handler claimed that this marketwide development would make it difficult for its supply plant to meet the 50 percent shipping standard without engaging in uneconomic shipments of milk. Kraft also noted that the general supply-demand imbalance in the Southwest Plains market recently required emergency rulemaking to suspend the supply plant shipping standards of the order to prevent uneconomic shipments of milk to distributing plants.

The handler indicated that its situation is affected by an increase in the number of producers delivering milk to its supply plant in addition to the marketwide increase in milk production. Kraft stated that the additional producers associated with its plant are mainly producers who recently converted from manufacturing grade production to Grade A. Others have switched from other handlers and some are new to the dairy business.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association which represents producers who supply milk for this market, submitted comments in support of the proposed reduction in the shipping standard. Mid-Am stated that it expected the market's supply-demand imbalance to continue through January 1984. The cooperative said that the temporary revision would accommodate this current market environment by eliminating uneconomic movements of milk for the sole purpose of meeting the shipping provisions of the order.

Producer receipts on the Southwest Plains order were 8.0% above a year ago for the first 7 months of 1983. In July 1983, producer receipts were 12.6% above the level of July 1982. By contrast producer milk in Class I during January through July 1983 averaged 2.6% below a year ago with an 8.2% decline in July alone.

Under these circumstances, it is concluded that a reduction in the required shipments of a supply plant by 10 percentage points for the months of September 1983 through January 1984 will prevent uneconomic movements of milk merely for purposes of maintaining pool plant status.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September 1983 through January 1984;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of September 1983 through January 1984.

List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products

PART 1106—[AMENDED]

It is therefore ordered, that the aforesaid provisions in § 1106.7(b) of the order are hereby revised for the months of September 1983 through January 1984.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Effective date: September 13, 1983.

Signed at Washington, D.C. on September 7, 1983.

Edward T. Coughlin,
Director, Dairy Division.

[FR Doc. 83-24864 Filed 9-12-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 248

Powers and Duties of Service Officers; Availability of Service Records; Change of Nonimmigrant Classification; Denial of Appeal

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule eliminates the right to appeal the denial of an application for change of nonimmigrant status. A right to appeal such a denial is not required by law; this rule furthers the Service's policy of not providing a right to appeal discretionary denials of applications by nonimmigrants for benefits of a minor nature.

This rule also makes a technical amendment to the regulation to correct a misapplied term not contained in the statute. The prohibition for change of nonimmigrant status should include all aliens who became exchange aliens to receive graduate medical education or training, not just "foreign medical graduates."

EFFECTIVE DATE: October 13, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone (202) 633-3048.

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone (202) 633-3946.

SUPPLEMENTARY INFORMATION: This rule removes § 103.1(l)(2)(xvi) and modifies § 248.3(d) to eliminate the right to appeal the denial of an Application for Change of Nonimmigrant Status (Form I-506). Approval by the Service of such an application is discretionary and there is no right to appeal by law.

This rule corrects an inconsistency in Service procedures. The Service has historically processed nonimmigrant applications strictly at the local office level without a procedure for higher-level review, except in the case of the I-506. The Service does not provide appellate review of an alien's application for extension of stay (Form I-539) or an alien student's request for extension of stay, part-time employment, practical training (Form I-538). This treatment of nonimmigrant applications is based upon the minor consequences of a denial, and the fact that the decision to grant or deny the application is discretionary.

Twenty-nine responses were received concerning the proposed rule, which was published in the Federal Register on July 30, 1982 at 47 FR 32952. All of the comments were from the private immigration bar and were critical of the proposal. No comments were received from schools, student groups, or other interested parties who might be affected by the rule change. There were four major concerns:

First, 17 writers believed that the right to due process would be eliminated. The Service does not accept this assertion. The type of procedure necessary to assure due process varies with the nature of the matter being decided and the interests of the affected party. Due process does not require the Service to provide regional appellate review of discretionary denial of an application for a benefit conferred on a nonimmigrant, where the consequences of the denial are relatively minor. Due process requires only a fair, impartial review of the nonimmigrant's application.

The Service provides such a review by the officer who reviews the application. In addition, the Service provides an internal review of the officer's recommendation to deny an I-506. The authority to approve or deny an I-506 is vested in the district director (in larger offices this authority may be delegated to a deputy district director, an assistant district director for travel control, or in rare instances a supervisory immigration examiner). Thus, every denial of an I-506 is automatically given a higher-level internal review before being issued by the Service. There is a large, well-developed body of precedent decisions concerning change of nonimmigrant status, and novel or unusually complex issues are infrequently presented. This means that the regulations and precedent can be readily applied without recourse to appellate review. When novel or unusually complex issues are presented, the case should be certified for higher-level review.

Moreover, informal methods of review are available. A person who believes his application has been arbitrarily or erroneously denied can bring the matter to regional or Central Office attention, and action will be taken if warranted.

Finally, in deportation proceedings the alien may raise the defense that the Service's decision to deny the I-506 was arbitrary or capricious. If the immigration judge finds this to be correct, the case may be remanded to the Service for reconsideration.

Furthermore, the consequences of a denial are not serious. A nonimmigrant arrives in the United States expecting to stay for the limited period and purpose for which he was admitted and then return to his country. If his request is denied, he simply does what he came expecting to do, namely return to his country.

The denial of the request for change of status in no way prejudices his right to apply for and, if eligible, be granted a

visa to return to the United States in another status.

Second, 13 writers expressed the opinion that the appellate review provided a means for regional commissioners to perform quality reviews. While this is true as to the limited number of cases reviewed, the Service believes that quality assurance is adequately provided by the internal review discussed above. Also, since the Service-wide denial rate on applications for change of nonimmigrant status for Fiscal Year 1982 was 15%, only a portion of which were appealed, no approvals and only some denials are reviewed by the regional commissioners. The Service is concerned with the quality of all its decisions, not just denials, and will continue to develop systems of quality assurance.

Third, 14 writers believed that the right to appeal affords protection from arbitrary decisions and "boiler plate" denials. The Service goes to great lengths, through training, issuance of instructions and policy memoranda, field audits and investigations, and the oath given to its officers, to assure that they will discharge their duties in a fair, concerned manner without bias, prejudice, or arbitrary action. The commenters did not present evidence that serious abuses currently exist or could reasonably be anticipated with respect to denials of I-506's. The Service believes that the review mechanisms discussed above are adequate to deal with any problems that may arise.

Fourth, 19 writers commented on our observation that the right to appeal was being utilized as a delaying tactic to prolong an alien visitor's stay in the United States. They suggested that the system needed revision to improve the speed of processing appeals rather than eliminating appeals. We agree that the processing of appeals requires streamlining. The Service is working on a plan to consolidate in-Service appeals in a centralized unit. However, elimination of appeals of change of status denials and a corresponding reduction in workload will facilitate the processing of other kinds of appeals involving more substantial benefits of issues such as immigrant visa petitions based upon occupation or breach of maintenance of status and departure bonds. Elimination of section 248 appeals will also concurrently remove an avenue which mala fide alien applicants have used to delay their

departure from the United States.

Based upon all of the reasons discussed, the rule change will be implemented.

The Immigration and Nationality Act Amendments of 1981 (Pub. L. 97-116, 95 Stat. 1611) amended section 248 to prohibit change of nonimmigrant status for any alien who entered the United States as an exchange alien (J-1) or had his status changed to J-1 in order to receive graduate medical education or training.

The regulations at 8 CFR 248.2 further detail the classes of aliens ineligible to receive changes of nonimmigrant status. Subparagraph (c) inadvertently was published to limit coverage to "foreign medical graduates" and not the broader category of "alien" specified in the statute. This amendment brings this technical oversight into conformity with the statute.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegation, Organization and functions.

8 CFR Part 248

Administrative practice and procedure, Aliens.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

1. In § 103.1, paragraph (1)(2)(xvi) is removed and paragraphs (xvii) through (xxiv) are renumbered (xvi) through (xxiii).

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

2. Section 248.2 is amended by revising paragraph (c) to read as follows:

§ 248.2 Ineligible classes.

(c) Any alien admitted as a nonimmigrant under section 101(a)(15)(I)

of the Act, or who acquired such status after admission in order to receive graduate medical education or training, whether or not the alien was subject to, received a waiver of, or fulfilled the two-year foreign residence requirement of section 212(e) of the Act; and

3. Section 248.3 is amended by revising paragraph (d) to read as follows:

§ 248.3 Application.

(d) *Denial of Application.* When the application is denied, the applicant shall be notified of the decision and the reasons for the denial. There is no appeal from the denial of the application under this chapter.

(Sec. 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103); sec. 248 of the Immigration and Nationality Act, as amended 66 Stat. 167 (8 U.S.C. 1258))

Dated: August 18, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-24793 Filed 9-12-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7909]

Income Tax; Substantiation of Meal Expenses While Traveling

Correction

In FR Doc. 83-24317 beginning on page 40370 in the issue of Wednesday, September 7, 1983, make the following corrections:

1. On page 40370, in the summary, the word "whch" should read "which" and the word "recieved" should read "relieved".

2. On the same page, in the third column, the first line, "of Order" should read "of the Order".

3. On page 40371, the first paragraph, in § 1.274-5(h), the eleventh line should read "as well as the time, place, and business".

BILLING CODE 1505-01-M

26 CFR Part 301

[T.D. 7907]

Rate of Interest for Overpayments and Underpayments of Tax

Correction

In FR Doc. 83-23176 beginning on page 38229 in the issue of Tuesday, August 23, 1983, make the following corrections:

1. On page 38230, the middle column, in § 301.6621-1(b)(2) the third line from the bottom, insert the word "shall" before the word "be".

2. On the same page, the third column, in § 301.6621-1(d) in Example (3), in the last three lines of the example, remove the words "and at the rate of 9 percent per annum from June 30, 1975,".

BILLING CODE 1505-01-M

26 CFR Part 301

[T.D. 7907]

Rate of Interest for Overpayments and Underpayments of Tax

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the *Federal Register* publication beginning at 48 FR 38229 of the final regulations which were the subject of Treasury Decision 7907, relating to the rate of interest for overpayments and underpayments of tax under sections 6601, 6621 and 6622 of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The amendments to the regulations that are the subject of this correction are effective for amounts outstanding or accruing after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph M. Rosenthal of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, Washington, D.C. 20224, telephone 202-566-3288 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1983, the *Federal Register* published final regulations (48 FR 38229) relating to the rate of interest for overpayments and underpayments of tax. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248, 96 Stat. 324, 635).

Need for a Correction

As published, Treasury Decision 7907 incorrectly includes the language

"section 2411(a) of Title 28 of the United" rather than "section 1961(c)(1) or 2411 of Title 28 of the United". This error appears in § 301.6621-1(c)(3), on page 38230, in the right-hand column.

Correction of Publication

Accordingly, the publication of Treasury Decision 7907 which was the subject of FR Doc. 83-23176, is corrected as follows:

Paragraph 1. In § 301.6621-1(c)(3) the language "section 2411(a) of Title 28 of the United" is removed and the language "section 1961(c)(1) or 2411 of Title 28 of the United" is added in its place.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-24936 Filed 9-13-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 872

Withdrawal of Unexpended Abandoned Mine Land Reclamation Funds From the State of Washington

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Rule related notice.

SUMMARY: The Office of Surface Mining is withdrawing abandoned mine land reclamation (AMLR) funds allocated to the State of Washington under the authority of Section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (SMCRA) and 30 CFR 872.11 of the Secretary's regulations. The State of Washington failed to adopt a regulatory program for active mining pursuant to Section 503 of SMCRA or a reclamation plan for the restoration of lands previously degraded by past coal mining practices pursuant to Section 404 of SMCRA. Without these programs the State is ineligible to receive the State share allocation of AMLR funds collected within the State of Washington. Failure to expend these funds within the time limits allocated by SMCRA and the Secretary's regulations can result in the transfer of these funds to the Secretary's discretionary share for expenditure in any eligible area of the country.

Notice of OSM's intent to withdraw unexpended abandoned mine land reclamation funds was published on August 4, 1983 (48 FR 35399). An opportunity for public participation in OSM's decision was provided.

Comments received are discussed below under "Disposition of Comments."

EFFECTIVE DATE: This action will be effective October 13, 1983.

FOR FURTHER INFORMATION CONTACT: Jim Fary, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION: The Abandoned Mine Land Fund was established by the Surface Mining Control and Reclamation Act of 1977 in response to concern over extensive environmental damage caused by past coal mining activities. The Abandoned Mine Land Fund derives its financing from Title IV of the Act which establishes a fee on coal production for the purpose of financing specified Federal, State, and Indian reclamation programs. Programs funded by Congressional appropriations include grants to States and Indian Tribes to plan and carry out reclamation programs and projects, Federal Reclamation projects carried out by the Secretary of Interior through OSM, and the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV of SMCRA provides that fifty percent of the AMLR funds collected within a State or on Indian lands are to be allocated to that State or Indian Tribe to accomplish the purpose of this title. "Allocate" means the administrative identification in the records of OSM of monies in the Fund for a specific purpose, e.g., identification of monies for exclusive use by a State.

States and Tribes are eligible to receive such allocated funds only after they have received approved regulatory programs pursuant to Section 503 of the Act and approved reclamation plans under Section 405. If allocated funds have not been expended within three years of their allocation by the States or Indian tribes, Section 402 of the Act provides the Secretary authority to withdraw such funds from the States' accounts and utilize them in any eligible area of the county.

On June 30, 1982, OSM published revised final regulations concerning the implementation and administration of the Abandoned Mine Land Program. (47 FR 28574.) Under 30 CFR 872.11(b)(2),

OSM set out two procedures concerning the withdrawal of allocated but unexpended State or Indian tribal funds. First, if a State advises OSM in writing that it does not intend to submit a State reclamation plan, no monies will be allocated to that State. Secondly, amounts allocated to a State that have not been granted to the State within three years from the date of allocation shall be available to the Director for other purposes as set out in 30 CFR 872.11(b)(5) and Section 401(c) of the Act.

Disposition of Comments

The Department of Natural Resources of the State of Washington commented that: "the Federal Register text is incorrect in saying that the State had no intentions of regulating surface mining and reclamation operations. The converse is true as the State has a great environmental awareness and has had a Surface Mined Land Reclamation Act in place since 1970. What your notice should have said is that we have not implemented a Federal Program." OSM has reviewed the text of the Federal Register notice [48 FR 35399-35400, August 4, 1983] and cannot find where it has indicated that the State of Washington "had no intentions of regulating surface mining and reclamation operations." OSM does not question that the State of Washington "has a great environmental awareness and has had a Surface Mined Land Reclamation Act in place since 1970." OSM contends that it has said in the Federal Register text that the State of Washington has not implemented a Federal Program.

The relevant text reads as follows: "Both States (i.e., Georgia and Washington) have failed to adopt regulatory programs for active mining pursuant to Section 503 of SMCRA. . . ." (48 FR 35399). Section 503 of SMCRA is the Federal program. Moreover, the Federal Register text indicates: "The State of Washington, on the other hand, has never formally advised OSM in writing concerning its intentions not to regulate surface mining and reclamation operations. However, since the State has not made reasonable efforts to assume primacy over these areas and thereby become eligible for AMLR grants, the Director is proposing to withdraw all State AMLR funds which have been allocated but left unexpended for more than three years." Perhaps the Washington Department of Natural Resources has read the Federal Register text regarding the State of Georgia as applicable to Washington as well. The State of Georgia has indicated its intentions in writing to OSM that it does

not wish to assume regulatory responsibility over surface mining. In conclusion, the OSM has not indicated that the State of Washington, "had no intentions of regulating surface mining and reclamation operations" but rather that since Washington has never formally advised OSM in writing concerning its intentions not to regulate surface mining and reclamation operations under SMCRA, the Director of OSM can and is withdrawing all State AMLR funds which have been allocated but left unexpended for more than three years.

The Washington Department of Natural Resources also commented that: "we disagree with the concept that monies collected in a State by the Federal government from coal mining can be withdrawn and used elsewhere at the discretion of the Secretary of the Interior. If a Federal program is in place, such as here in Washington State, OSM should utilize these funds for the benefit of Washington." OSM's response is that Section 402(g)(2) of SMCRA explicitly gives the Secretary the discretion to withdraw funds allocated to a State reclamation program that have not been expended within three years after their allocation and to use these withdrawn funds for expenditure in any eligible area as determined by the Secretary. To allow funds allocated by an Act of Congress for the specific purpose of abandoned mine land reclamation by States to remain idle because a State has not made reasonable efforts to become eligible for the funds, would be incompatible with the Secretary's responsibilities for management of public funds and resources. OSM will be developing a Federal abandoned mine land reclamation program for the State of Washington using available Federal funds to reclaim high priority abandoned mine land sites.

The Washington Irrigation and Development Company (WIDCO) requested that the Secretary "defer action on the withdrawal of the subject funds, pending meetings (by WIDCO) with the State" regarding the interest of the State of Washington to implement a State program. OSM declines to defer action on withdrawal of funds because it believes that the State has not made reasonable efforts to assume primacy over surface mining and thereby become eligible for AMLR grants. Moreover, the Washington Department of Natural Resources' response to the notice of intent to withdraw funds indicates that the State is still not making any efforts to assume primacy over surface mining and thereby become eligible for AMLR grants.

WIDCO further commented that: "If funds must be withdrawn now, perhaps a mechanism could be established for re-allocation if primacy was achieved by some future date." OSM declines to establish, at this time, a mechanism for re-allocation if primacy is achieved by the State at some later date. It should be noted that the action withdrawing funds allocated to Washington is limited to funds left unexpended for more than three years. Therefore, Washington will have available to it three years of funds to expend on a State AMLR program if it should decide, at some future date, to seek primacy. Moreover, as indicated above, OSM will be developing a Federal program for Washington using available Federal funds to reclaim high priority abandoned mine land sites.

Agency's Findings

The State of Washington has never formally advised OSM in writing concerning its intentions not to regulate surface mining and reclamation operations. However, since the State has not made reasonable efforts to assume primacy over these areas and thereby become eligible for AMLR grants, the Director is withdrawing all State AMLR funds which have been allocated but left unexpended for more than three years pursuant to the authority in Section 402 and 412(a) of the Act and 30 CFR 872.11(b)(2) of the Secretary's regulations.

Dated: September 7, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-24025 Filed 9-12-83; 6:45 am]

BILLING CODE 4310-05-M

30 CFR Part 872

Withdrawal of Unexpended Abandoned Mine Land Reclamation Funds From the State of Georgia

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Rule related notice.

SUMMARY: The Office of Surface Mining is withdrawing abandoned mine land reclamation (AMLR) funds allocated to the State of Georgia under the authority of Section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (SMCRA) and 30 CFR 872.11 of the Secretary's regulations. The State of Georgia has failed to adopt a regulatory program for active mining pursuant to Section 503 of SMCRA or a reclamation plan for the restoration of lands previously degraded by past coal

mining practices pursuant to Section 405 of SMCRA. Without these programs the State is ineligible to receive the State share allocation of AMLR funds collected within the State of Georgia. Failure to expend these funds within the time limits allocated by SMCRA and the Secretary's regulations can result in the transfer of these funds to the Secretary's discretionary share for expenditure in any eligible area of the country.

Notice of OSM's intent to withdraw unexpended abandoned mine land reclamation funds was published on August 4, 1983 (48 FR 35399). An opportunity for public participation in OSM's decision was provided. No comments or requests for meetings were received.

EFFECTIVE DATE: This action will be effective October 13, 1983.

FOR FURTHER INFORMATION CONTACT: Jim Fary, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION: The Abandoned Mine Land Fund was established by the Surface Mining Control and Reclamation Act of 1977 in response to concern over extensive environmental damage caused by past coal mining activities. The Abandoned Mine Land Fund derives its financing from Title IV of the Act which establishes a fee on coal production for the purpose of financing specified Federal, State, and Indian reclamation programs. Programs funded by Congressional appropriations include grants to States and Indian Tribes to plan and carry out reclamation programs and projects, Federal Reclamation projects carried out by the Secretary of Interior through OSM, and the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Title IV of SMCRA provides that fifty percent of the AMLR funds collected within a State or on Indian lands are to be allocated to that State or Indian Tribe to accomplish the purpose of this title. "Allocate" means the administrative identification in the records of OSM of monies in the Fund for a specific purpose, e.g., identification of monies for exclusive use by a State.

States and Tribes are eligible to receive such allocated funds only after

they have received approved regulatory programs pursuant to Section 503 of the Act and approved reclamation plans under Section 405. If allocated funds have not been expended within three years of their allocation by the States or Indian Tribes, Section 402 of the Act provides the Secretary authority to withdraw such funds from the State accounts and utilize them in any eligible area of the country.

On June 30, 1982, OSM published revised final regulations concerning the implementation and administration of the Abandoned Mine Land Program. 47 FR 28574. Under 30 CFR 872.11(b)(2), OSM set out two procedures concerning the withdrawal of allocated but unexpended State or Indian Tribal funds. First, if a State advises OSM in writing that it does not intend to submit a State reclamation plan, no monies will be allocated to that State. Secondly, amounts allocated to a State that have not been granted to the State within three years from the date of allocation shall be available to the Director for other purposes as set out in 30 CFR 872.11(b)(5) and Section 401(c) of the Act.

The State of Georgia has formally notified OSM in writing on September 8, 1981, that it does not wish to assume regulatory responsibility over surface mining. Accordingly the Director is transferring all funds allocated to the State of Georgia to the Secretary's discretionary share pursuant to the authority in Sections 402 and 412(a) of the Act and 30 CFR 872.11(b)(2) of the Secretary's regulations.

Dated: September 8, 1983.

James R. Harris,
Director, Office of Surface Mining.
[FR Doc. 83-24024 Filed 9-13-83; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806

[Air Force Reg. 12-30]

Disclosure of Air Force Records

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force, is amending its rule for administering the Freedom of Information Act by incorporating as Air Force policy, Department of Defense Privacy Board Decision Memorandum 83-1 guidance concerning the release of

servicemembers' names and unit or home addresses.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. M. K. Ward, Department of the Air Force, HQ USAF/DAQD, Washington, DC 20330, telephone (202) 694-3488.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that the release of servicemembers' names and unit or home addresses for primary purpose of commercial solicitation is normally not in the public interest. Requesters who seek lists or compilations of unit or home addresses of military personnel for this purpose normally will be refused such lists pursuant to Exemption 6 of the Freedom of Information Act.

List of Subjects in 32 CFR Part 806

Freedom of information, Classified information, Records.

PART 806—[AMENDED]

32 CFR Part 806 is amended to read as follows:

1. In § 806.7, the introductory text of paragraph (f) is revised to read as follows:

§ 806.7 Specific policies on withholding records.

(f) Personnel and medical files, as well as similar personal information in other files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy. In a situation where a requester has not established any public interest in obtaining release of lists of names and unit or home addresses of military personnel for commercial solicitation, the invasion of privacy which would result from such disclosure requires that this information be withheld under the balancing test. In the rare case where a requester does establish some public interest involving his or her intention to engage in commercial solicitation, that interest must be weighed against the invasion of privacy which will result from disclosure of the requested information. This policy applies to active duty, reserve, and retired personnel.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552)

Winnibel F. Holmes,
Air Force Federal Register Liaison Officer

[FR Doc. 83-24013 Filed 9-12-83; 8:45 am]
BILLING CODE 3910-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6460

[I-13218]

Idaho; Public Land Order No. 6423; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 6423 of July 11, 1983.

EFFECTIVE DATE: October 15, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The land description in Public Land Order No. 6423 of July 11, 1983, in FR Doc. 83-19681 published at page 33296 in the issue of Thursday, July 21, 1983, is corrected as follows:

On page 33296, under T. 32 N., R. 5 W., the line reading "sec. 11, SE¼NW¼" should read, "sec. 11, NE¼NW¼."

September 9, 1983.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 83-24912 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation Determinations;
Alabama; et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 [Pub. L. 90-448]), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Maplesville, Calhoun County (FEMA-6470)	Byrd Creek	Just downstream of Illinois Central Gulf Railroad	*323
		Little Mulberry Creek	Just downstream of Farm Road	*352
		Mulberry Creek	Approximately 150 feet downstream of State Highway 22	*326
			Approximately 100 feet upstream of State Highway 22	*305
			At southeastern corporate limits approximately 50 feet north of the intersection of Illinois Central Gulf Railroad and Les Broadhead Road	

Maps available for inspection at Town Clerk's Office, Town Hall, Main Street, Maplesville, Alabama 36750.

Alabama	City of Oxford, Calhoun County (FEMA-6470)	Choccolocco Creek	Just downstream of Friendship Road	*605
		Snow Creek	Just upstream of Interstate Highway 20	*612
			Just downstream of Snow Street	*618
		Golden Springs Branch	Just upstream of Highway 78 and 431	*623
		Boling Springs Branch	Just upstream of U.S. Highway 78 and 431	*632
		Park Creek	Approximately 80 feet downstream of McDaniel Street	*662
		Hobson Creek	Approximately 350 feet upstream of Southern Railway	*647
		De Armanville Branch	Approximately 100 feet upstream of Interstate Highway 20 northbound	*627

Maps available for inspection at City Administrators Office, City Hall, 100 Choccolocco Street, Oxford, Alabama 36203.

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Escondido (City), San Diego County (FEMA-6485)	Escondido Creek	50 feet south of intersection of Harmony Grove Road and Howard Avenue.	*620
		Reidy Creek	100 feet upstream from center of Nutmeg Street.	*679
		Kit Carson Park Creek	At the intersection of Broadway and Stanley Avenue.	*708
			20 feet upstream from center of Via Rancho Parkway.	*338
			50 feet upstream from center of Encino Drive.	*417
Maps available for inspection at the Department of Engineering, 100 Valley Boulevard, Escondido, California.				
Connecticut	Fenwick, Borough, Middlesex County (Docket No. FEMA-6521).	Long Island Sound	Entire shoreline within community	*16
		Connecticut River	Entire shoreline within community	*16
			Shoreline of South Cove at Neponsett Avenue (extended).	*13
			Shoreline of South Cove at Nibang Avenue (extended).	*12
Maps available for inspection at the Borough Office, Maple Avenue, Fenwick, Connecticut.				
Connecticut	Noank Fire District, New London County (Docket No. FEMA-6499).	Fishers Island Sound	Shoreline at Cove Street (extended west)	*14
			Shoreline at Chesbro Road (extended)	*15
			Shoreline of Beebe Cove at Tryon Avenue (extended)	*12
Maps available for inspection at the Noank Fire Station, Noank, Connecticut.				
Connecticut	Stonington, Town, New London County (Docket No. FEMA-6521).	Fishers Island	Murphy Point	*13
			Pine Point	*13
			Ram Point	*15
			Entire shoreline of Baker Island	*16
			Southern end of Joyce Street extended.	*13
			Latimer Point	*16
			Entire shoreline of Quambog Cove	*11
			Lords Point	*16
			Stonington Harbor south of CONRAIL	*14
			Stonington Harbor north of CONRAIL	*13
			Palmer Neck Road extended	*16
			Pawcatuck Point	*16
			Maps available for inspection at the Building Inspector's in the Town Clerk's Office, Stonington, Connecticut.	
Connecticut	Stonington, Borough New London County (Docket No. FEMA-6499).	Fishers Island Sound	Shoreline of Stonington Harbor at High Street extended.	*14
			Shoreline at Water Street extended	*16
			Shoreline at South Street extended	*14
			Shoreline at Sandy Point	*16
Maps available for inspection at the Planning and Zoning Office in the Borough Hall, Stonington, Connecticut.				
Florida	Anna Maria (City) Manatee County (FEMA-6401)	Gulf of Mexico Open Coast and Tampa Bay.	300 feet north from the center of the western intersection of North Shore Drive and Bay Boulevard.	*14
			300 feet west from the center of intersection of Fern Street and North Shore Drive.	*13
			200 feet southwest from the center of intersection of Coconut Avenue and Palm Drive.	*12
			Center of intersection of Tuna Street and Cypress Avenue.	*11
			Center of intersection of Rose Street and Jacavanda Road.	*10
			Center of intersection of Maxine Place and Magnolia Avenue.	*9
Maps available for inspection at Public Works Department, 1005 Gulf Drive, Anna Maria, Florida.				
Florida	Dade County (unincorporated areas) (FEMA-6492)	Atlantic Ocean	At the intersection of Collins Avenue and Biscayne Street.	*15
			100 feet North of Bear Cut Bridge along Crandon Blvd.	*13
			100 feet east of Petrel Point	*18
		Biscayne Bay	At the intersection of 190th Street and North Bay Road.	*6
			At the intersection of S. Miami Avenue and U.S. Highway 41.	*12
Maps available for inspection at Metro Dade Department of Environmental Resources Management, 909 SE 1st Avenue, 4th Floor, Brickell Plaza, Miami, Florida.				
Florida	Ft. Pierce (City) St. Lucie County (FEMA-6509)	Atlantic Ocean	At the center of intersection of Porpoise Avenue and Granda Street.	*7
			At the center of intersection of Melody Lane and Atlantic Avenue.	*8
			At the center of intersection of North 2nd Street and Port Ave.	*9
			100 feet east from the center of intersection of Port Avenue and Harbor Street.	*10
Maps available for inspection at City Hall, Ft. Pierce, Florida.				
Florida	Holmes Beach (City) Manatee County (FEMA-6401)	Gulf of Mexico Sarasota Pass and Tampa Bay.	75 feet west from the center of intersection of 36th Street and 3rd Avenue.	*14
			160 feet west from the center of intersection of 29th Street and Avenue E.	*12
			Center of intersection of 3rd Avenue W and 45th Street.	*11
			Center of intersection of Agua Lane and White Avenue.	*10
			Center of intersection of Marina Drive and 71st Street	*9
Maps available for inspection at City Hall, 5901 Marina Drive, Holmes Beach, Florida.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Jupiter Island (town) Martin County (FEMA-6509)	Atlantic Ocean	200 feet west from the center of intersection of Link Road and Grassy Trail. 400 feet east from the center of intersection of Allen Trail and North Beach Road.	*6 *11
Maps available for inspection at Town Hall, Town of Jupiter Island, Hobe Sound, Florida.				
Florida	Martin County (unincorporated areas) (FEMA-6509)	Atlantic Ocean	At the center of the intersection of Laurel Lane and Bridge Road.	*6
			At the center of the intersection of Palmetto Terrace and Pine Lake Drive.	*7
			At the center of the intersection of Williams Way and Leonard Lane.	*8
			At the center of the intersection Skyline Drive and Indian River Drive.	*9
		Lake Okeechobee	At the confluence of St. Lucie Canal with Lake Okeechobee.	*23
Maps available for inspection at Engineering Department, 50 Kindred Street, 3rd Floor, Stuart, Florida.				
Florida	Seminole (City) Pinellas County (FEMA-6521)	Boca Ciega Bay	200 feet south from center of intersection of North Seminole Drive and State Highway 595.	*10
			Center of intersection of State Highway 595 (46th Avenue North) and 94th Street.	*11
			700 feet east from center of intersection of 94th Street and 46th Avenue North, along 46th Avenue North.	*13
		Lake Seminole	Easternmost end of Lake Vista Drive Loop	*11
Maps available for inspection at City Hall, 7464 Ridge Road, Seminole, Florida.				
Florida	St. Lucie County (unincorporated areas) FEMA-6509	Atlantic Ocean	At the center of the intersection of Las Olas Drive North and Elmar Drive.	*7
			At the center of the intersection of Osceola Boulevard and Banyan Road.	*9
Maps available for inspection at Development Coordinator's Office, 2300 Virginia Avenue, Ft. Pierce, Florida.				
Florida	Venice (City) Sarasota County (FEMA-6521)	Gulf of Mexico	Center of Intersection of Firenze Avenue and Riviera Street.	*11
			100 feet west from center of intersection of Esplanade North and Tarpon Center Drive.	*12
			200 feet west from center of intersection of Granada Avenue and Esplanade North.	*15
			300 feet west from center of intersection of Granada Avenue and Esplanade North.	*17
Maps available for inspection at Building Inspector Department, 401 West Venice Avenue, Venice, Florida.				
Georgia	City of Fort Oglethorpe, Chitasha County (FEMA-6492)	Black Branch	Just downstream of State Highway 2A and Battlefield Parkway.	*705
			Just downstream of Van Cleave.	*715
		Tributary No. 1 To Black Branch	*Just upstream of Elaine Circle	*714
		Tributary No. 2 To Black Branch	*Just downstream of LaFayette Road (U.S. Highway 27).	*736
			Just downstream of Old LaFayette Road	*740
			Just upstream of Colfman Drive	*752
		Tributary No. 3 To Black Branch	*Just downstream of Cross Street	*718
		West Chickamauga Creek	Just downstream of Southern Corporate Limits (Upstream Crossing).	*692
Maps available for inspection at City Hall, Code Enforcement Office, 201 Forest Road, Fort Oglethorpe, Georgia 30742.				
Illinois	(V) Bath Mason County (Docket No. FEMA-6526)	Illinois River	Within the corporate limits	*452
Maps available for inspection at the Parrott's Restaurant, Bath, Illinois.				
Illinois	(Uninc.) Calhoun County (Docket No. FEMA-6521)	Illinois River	Just upstream of State Route 100	*440
			At upstream County Boundary	*442
		Mississippi River	About 2 miles upstream of confluence of Illinois River.	*441
			About 2.5 miles upstream of Lock & Dam No. 24.	*459
Maps available for inspection at the County Clerk's Office, Hardin, Illinois.				
Illinois	(V) Clay City Clay County (Docket No. FEMA-6521)	Little Wabash River	About 0.6 mile upstream of Chessie System.	*429
			About 0.5 mile upstream of Main Street	*432
Maps available for inspection at the Village Hall, 140 South Main Street, Clay City, Illinois.				
Illinois	(C) Edwardsville Madison County (Docket No. FEMA-6521)	Mooney Creek	About 250 feet downstream of Kiowa Street.	*475
			Just downstream of Dunlap Lake Dam	*486
			Just upstream of Dunlap Lake Dam	*514
			Just downstream of East Lake Drive	*518
		Cahokia Creek	Just upstream of Old Edwardsville Road	*456
			About 650 feet upstream of Springfield Road	*456
Maps available for inspection at the City Clerk's Office, 400 North Main Street, Edwardsville, Illinois.				
Illinois	(Uninc.) Gallatin County (Docket No. FEMA-6521)	Ohio River	Just upstream confluence of Saline River	*365
			At confluence of Wabash River	*369
Maps available for inspection at the Clerk's Office, Gallatin County Courthouse, Shawneetown, Illinois.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Gardner Grundy County (Docket No. FEMA-6521)	Illinois Central Gulf Railroad Ditch	Just upstream of State Route 53 About 0.3 mile upstream of East Street	*585 *589
Maps available for inspection at the Village Hall, Major and Center Streets, Gardner, Illinois.				
Illinois	(V) Hainesville Lake County (Docket No. FEMA-6521)	Squaw Creek Shallow Flooding	Within corporate limits Northeast section of community (about 1,100 feet south, 800 feet east of intersection of Hainesville Road and Washington Street)	*783 *783
Maps available for inspection at the Village Hall, Hainesville, Illinois.				
Illinois	Jersey County (Docket No. FEMA-6521)	Mississippi River	At downstream County Boundary About 3.3 miles upstream of confluence of Illinois River	*436 *441
		Illinois River	At mouth about 6.0 miles above mouth About 1.8 miles upstream of confluence of Macoupin Creek	*440 *441 *440
Maps available for inspection at the County Clerk's Office, County Courthouse, 201 W. Pearl, Jerseyville, Illinois.				
Illinois	(Uninc.) Jo Daviess County (Docket No. FEMA-6521)	Mississippi River	At downstream County Boundary About 0.7 mile upstream of Illinois Central Gulf Railroad	*600 *611
		Galena River	At mouth About 0.9 mile upstream of County Route 3	*604 *619
		Hughlett Branch	At City of Galena corporate limits About 250 feet upstream of the City of Galena corporate limits	*624 *626
Maps available for inspection at the Jo Daviess County Clerk's Office, Jo Daviess County Courthouse, Galena, Illinois.				
Illinois	(V) Junction, Gallatin County (Docket No. FEMA-6521)	Ohio River	Within the corporate limits	*367
Maps available for inspection at the Clerk's Office, Village Hall, Junction, Illinois.				
Illinois	(Uninc.) Marshall County (Docket No. FEMA-6521)	Illinois River	About 0.7 mile downstream of Atchison, Topeka and Santa Fe Railway Upstream County Boundary	*460 *462
Maps available for inspection at the Marshall County Courthouse, Lacon, Illinois.				
Illinois	(Uninc.) Mason County (Docket No. FEMA-6521)	Illinois River	Downstream County Boundary Upstream County Boundary	*450 *455
Maps available for inspection at the Zoning Administrator's Office, County Building, Main and Broadway Streets, Havana, Illinois.				
Illinois	(V) Sparland, Marshall County (Docket No. FEMA-6521)	Illinois River	Within corporate limits	*461
Maps available for inspection at the Village Hall, 123 Center Street, Sparland, Illinois.				
Illinois	(C) Sycamore, DeKalb County (Docket No. FEMA-6521)	South Branch Kishwaukee River	About 0.21 mile upstream of Rich Road About 0.21 mile downstream of Bothary Road	*834 *836
		East Branch Kishwaukee River	About 0.5 mile downstream of Brickville Road About 0.4 mile upstream of State Route 64	*826 *837
Maps available for inspection at City Clerk's Office, Sycamore Municipal Building, Sycamore, Illinois.				
Illinois	(Uninc.) Woodford County (Docket No. FEMA-6521)	Illinois River	Within the County Boundary	*460
Maps available for inspection at the Woodford County Courthouse, Eureka, Illinois.				
Indiana	(Uninc.) Jackson County (Docket No. FEMA-6521)	East Fork White River	About 1.0 mile downstream of confluence with Medora Creek About 1.8 miles upstream of U.S. Highway 31A	*523 *579
		Little Salt	Just upstream of State Highway 135 Just downstream of State Highway 258	*615 *642
		Hough Creek	Just upstream of Chessie System Just downstream of Venus Road	*541 *578
		Runt Run	Just upstream of Abandoned Railroad Just downstream of State Highway 258*	*640 *643
		Grassy Creek	Just upstream of County Road 600 South Just downstream of Interstate 65	*531 *547
		Blair Ditch	Mouth at Grassy Creek About 2,000 feet upstream of U.S. Highway 31	*531 *545
		Kiper Creek	Mouth at Little Salt Creek About 1.22 miles upstream of County Road 680 North	*616 *659
		Hound Hollow Creek	Mouth at Kiper Creek About 0.63 mile upstream of County Road 550 West	*629 *677
		Medora Creek	Mouth at East Fork White River About 100 feet upstream of Town of Medora corporate limit	*523 *525
		Vernon Fork Muscatatuck River	Just upstream of County Road 600 South At confluence with East Arm Tributary	*531 *533
		South Fork Medora Creek	At Town of Medora corporate limits About 800 feet upstream of Town of Medora corporate limits	*531 *534
		Shallow Flooding (Overflow from South Fork Medora Creek)	South and west of intersection of Chessie System with Western corporate limits of Town of Medora	#1

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Shallow Flooding (Overflow from Medora Creek)	At western corporate limits of Town of Medora (near Main Street)	#2
Maps available for inspection at the County Courthouse, Brownstown, Indiana.				
Indiana	(T) Medora Jackson County (Docket No. FEMA-6521)	Medora Creek	About 0.16 mile downstream of Washington Street	*524
		South Fork Medora Creek	At northern corporate limit	*535
		East Fork White River	About 0.22 mile upstream of Jackson Street	*526
		Shallow Flooding (Overflow from South Fork Medora Creek)	Just downstream of State Highway 235	*532
			About 0.1 mile upstream of State Highway 235	*524
			Along southern corporate limits (south of Sparkville Road)	*525
			At western corporate limits just north of Chessie System	#1
		Shallow Flooding (Overflow from Medora Creek)	South of Chessie System and east of State Highway 235	#2
			Intersection of Adams Street and State Highway 235	#1
			Intersection of Main Street and Elm Street	#2
Maps available for inspection at the Town Hall, Medora, Indiana.				
Indiana	(C) Mount Vernon Posey County (Docket No. FEMA-6442)	Ohio River	Within the corporate limits	*372
Maps available for inspection at the City Hall, 526 Main Street, Mount Vernon, Indiana.				
Indiana	(C) Peru Miami County (Docket No. FEMA-6521)	Wabash River	About 1.14 miles downstream of U.S. Route 31	*633
		Little Pipe Creek	About 1.45 miles upstream of Wayne Street	*645
			Mouth at Wabash River	*634
			About 0.13 mile upstream of 200 South Road	*651
			Just upstream of Dam (about 200 feet upstream of Norfolk Southern Railway)	*675
		Parkview Heights Ditch	About 0.32 mile upstream of Norfolk Southern Railway	*682
			Just upstream of Bob Tail Pike	*704
			About 0.73 mile upstream of Bob Tail Pike	*734
Maps available for inspection at the Miami County Courthouse, Peru, Indiana.				
Indiana	(C) Wabash, Wabash County (Docket No. FEMA-6521)	Wabash River	About 1.1 miles downstream of River Street	*661
			About 1.45 miles upstream of Huntington Street	*667
Maps available for inspection at the City Hall, 111 South Wabash, Wabash, Indiana.				
Maine	Saco, City York County (Docket No. FEMA-6521)	Atlantic Ocean	Shoreline at Palmer Avenue extended	*19
			Shoreline at Brooke Avenue (extended)	*14
		Saco River	Shoreline at Lower Beach Road (extended)	*15
			Upstream Cataract Dam	*48
			Upstream Cataract Dam	*48
			Upstream Springs Dam	*57
			Upstream Interstate Route 95	*61
			Upstream State Route 5	*69
			Upstream corporate limits	*73
		Goosefare Brook	Approximately 0.5 mile downstream of Boston & Maine Railroad	*9
			Downstream Boston & Maine Railroad	*10
			Upstream Old Orchard Road	*15
			Upstream Ocean Park Road	*20
			Ross Road	*26
			Approximately 150' downstream U.S. Route 1	*30
Maps available for inspection at the Building Inspector's Office, City Hall, 300 Main Street, Saco, Maine.				
Massachusetts	Fall River, City Bristol County (Docket No. FEMA-6509)	Mount Hope Bay	Shoreline at I-95 bridge	*21
			Shoreline at Middle Street extended	*20
		Taunton River	Shoreline at Mount Hope Avenue extended	*20
			At shoreline south of Brightman Street bridge	*21
			Shoreline north of Brightman Street bridge	*15
Maps available for inspection at the City Hall, 1 Government Center, Fall River, Massachusetts.				
Massachusetts	New Bedford, City Bristol County (Docket No. FEMA-6509)	Buzzards Bay	Shoreline at Norman Street extended	*19
			Shoreline at Lucas Street extended	*18
			Shoreline at Osborn Street extended	*18
		Acushnet River	Shoreline at Brook Avenue extended	*25
			Entire shoreline within community	*6
Maps available for inspection at the Planning Office in the City Hall, New Bedford, Massachusetts.				
Michigan	(Two) Highland Oakland County (Docket No. FEMA-6521)	Pettibone Creek	Downstream corporate limit	*957
			Just downstream of Livingston Road	*962
			Just upstream of Dam near Livingston Road	*975
			About 600 feet upstream of State Highway 59	*976
			Just upstream of Abandoned Dam (upstream of State Highway 59)	*985
			About 1,000 feet downstream of Harvey Lake Road	*991
			Just upstream of Harvey Lake Road	*997
			Just upstream of Dunleavy Drive	*998
		Harvey Lake	Shoreline	*1,001
		Duck Lake	Shoreline	*1,017
		White Lake	Shoreline	*1,021
Maps available for inspection at the Clerk's Office, Town Hall, 205 N. John Street, Highland, Michigan.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Saline Washtenaw County (Docket No. FEMA-6262).	Saline River	About 2,300 feet downstream of Monroe Street Just downstream of Michigan Avenue Just upstream of Saline River Dam	*737 *750 *759
		Wood Outlet Drain	Mouth at Saline River About 600 feet downstream of Saline Water Works Road Just upstream of North Ann Arbor Street About 1.0 mile upstream of North Maple Street	*759 *790 *798 *810

Maps available for inspection at the City Hall, 100 Harris Street, Saline, Michigan.

Minnesota	(C) Middle River Marshall County (Docket No. FEMA-6521).	Middle River	Just downstream of Burlington Northern Railroad About 2,350 feet upstream of 2nd Street	*1,138 *1,141
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Maps available for inspection at Office of the City Clerk, Community Building, Middle River, Minnesota.

Minnesota	(Uninc. Areas) Winona County (Docket No. FEMA-6384).	Mississippi River	About 0.8 mile downstream of Interstate 90	*645
		Whitewater River	Upstream county boundary At confluence with South Fork Whitewater River About 0.3 mile upstream of confluence with South Fork Whitewater River.	*668 *734 *736
		North Fork Whitewater River	About 1.1 mile downstream of Township Road 29 (downstream crossing) About 1,000 feet upstream of Township Road 29 (upstream crossing).	*759 *784
		South Fork Whitewater River	About 300 feet downstream of the City of St. Charles corporate limits. Just downstream of the City of St. Charles corporate limits.	*1,103 *1,104
		Middle Fork Whitewater River	About 0.5 mile downstream of County Highway 39 About 150 feet downstream of County Highway 39	*762 *772
		Gilmore Creek	Mouth at Boller Lake About 100 feet downstream of U.S. Highway 14 About 0.8 mile downstream of Loucks Drive About 0.3 mile upstream of Speltz Drive	*662 *672 *704 *740
		Homer Creek	Mouth at Mississippi River About 1.5 miles upstream of County Highway 15	*657 *768
		Pleasant Valley Creek	Just upstream of County Highway 15 About 1,000 feet upstream of Meadowbrook Drive	*682 *929
		Burns Valley Creek-East Burns Valley Creek.	About 0.6 mile upstream of County Road 105	*684
		West Burns Valley Creek	About 1,400 feet upstream of confluence of West Burns Valley Creek. At confluence with Burns Valley Creek	*700 *695
		Speltz Creek	About 0.4 mile upstream of confluence with Burns Valley Creek. At confluence with Rollingstone Creek Just upstream of Winona Road	*704 *718 *719
		Rollingstone	About 1.0 mile upstream of Winona Road About 1,250 feet upstream of State Highway 248 (downstream crossing). About 1.0 mile upstream of State Route 248 (upstream crossing).	*730 *718 *731
		Peterson Creek	At confluence with Garvin Brook About 0.4 mile upstream of U.S. Highway 14	*670 *911
		South Creek	At City of Dakota corporate limits About 150 feet upstream of City of Dakota corporate limits.	*688 *691
		West Tributary	About 0.4 mile upstream of U.S. Highway 14 About 150 feet upstream of City of Stockton corporate limits.	*781 *825
		Garvin Brook	About 1.3 miles upstream of mouth (at Minnesota City corporate limits). Just downstream of Chicago and North Western Railroad. Just upstream of Chicago and North Western Railroad. About 1.2 miles upstream of Chicago and North Western Railroad.	*671 *685 *690 *694
		Crooked Slough	About 550 feet downstream of confluence of West Tributary.	*766
		Bollers Lake	About 0.2 miles downstream of County Road 120 (downstream crossing). About 0.8 mile upstream of County Road 120 (upstream crossing).	*837 *907
		Shallow Flooding (overflow from Gilmore Creek).	Around the City of Winona Shoreline Between left bank levee along Gilmore Creek and Good-view Road.	*654 *662 *662

Maps available for inspection at the Zoning Administrator's Office, Winona County Courthouse, 203 West Third Street, Winona, Minnesota.

Missouri	(C) Cedar City, Callaway County, (Docket No. FEMA-6521).	Missouri River	About 0.28 mile downstream of US Highway 54 About 1,000 feet upstream of confluence of Turkey Creek.	*558 *558
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Maps available for inspection at the Fire Station, Cedar City, Missouri.

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nevada	Carlin (City), Elko County, FEMA-8509	Humboldt River	75 feet upstream from the center of Western Pacific Railroad	*4,889
Maps available for inspection at the City Clerk's Office, City Hall, Carlin, Nevada.				
Nevada	Elko County (Unincorporated Areas), FEMA-8509	Kittridge Creek	150 feet upstream of Interstate Highway 80 (U.S. Highway 40) Westbound.	*5,127
			200 feet north of the intersection of 7th Street and Seminole Road.	*5,238
		North Fork Humboldt River (Main Channel)	100 feet upstream of the Southern Pacific Railroad	*5,178
			100 feet downstream of Old U.S. Highway 40	*5,190
		North Fork Humboldt River Auxiliary Channel	150 feet upstream of Interstate Highway 80 (U.S. Highway 40) Westbound.	*5,193
		Humboldt River (at Carlin)	500 feet north of the intersection of State Highway 51 and the Western Pacific Railroad.	*4,884
		Humboldt River (at Elko)	50 feet downstream of the Western Pacific Railroad	*5,046
		Humboldt River Overflow	50 feet upstream of Western Pacific Railroad	*5,048
		Shallow Flooding	500 feet southwest along Western Pacific Railroad from the Western Pacific Railroad crossing of Humboldt River Overflow.	#2
Maps available at the Department of Engineering, Elko County Courthouse, Elko, Nevada.				
Nevada	Elko (city), Elko County, FEMA-8509	Humboldt River	Intersection of Wilson Avenue and Lamoille Road	*5,058
			100 feet upstream of 12th Street	*5,060
Maps available for inspection at City Engineer's Office, 1751 College Avenue, Elko, Nevada.				
Nevada	Reno (City), Washoe County, FEMA-8485	Truckee River	150 feet upstream from centerline of South Rock Boulevard.	*4,414
			50 feet upstream from centerline of Kietzke Lane	*4,449
			50 feet upstream from centerline of Booth Street	*4,512
			100 feet upstream from centerline of Diversion Dam	*4,553
			210 feet upstream from centerline of Mayberry Dr.	*4,615
		Streamboat Creek	25 feet South of upstream Corporate Limit	*4,414
		Dry Creek	125 feet downstream from centerline of Panorama Dr.	*4,508
		Boydton Slough	200 feet upstream from centerline of McCarren Boulevard.	*4,393
Maps available for inspection at City Clerk's Office, City Hall, 480 South Center, Room 209, Reno, Nevada.				
New Jersey	Bedminster, Township, Somerset County, (Docket No. FEMA-8492)	Lamington River	Confluence with North Branch Raritan River	*88
			Lamington Road (upstream side)	*95
			Lamington River Road (upstream side)	*106
			Interstate Route 78 (upstream side)	*115
			Lamington Road (2nd crossing) (upstream side)	*130
			Black River Road (1st crossing) (upstream side)	*150
			McCansil Road (upstream side)	*166
			Approximately 2,200 feet upstream of Herzog Brook	*206
			Access Road (upstream side)	*222
			Approximately 470 feet downstream of the upstream corporate limits.	*241
			Upstream corporate limits.	*254
		North Branch Raritan River	Confluence of Chambers Brook	*80
			Confluence of Lamington River	*88
			Confluence of Middle Brook	*96
			Klines Mill Road (upstream side)	*103
			U. S. Routes 202 and 206 (upstream side)	*117
			Approximately 3,900 feet upstream of the AT&T access roads.	*127
			U. S. Route 202 (upstream side)	*139
			Peapack Road (upstream side)	*153
			Upstream corporate limits.	*162
		Chambers Brook	Downstream corporate limits	*80
			Airport Road (upstream side)	*85
			Country Club Road (upstream side)	*107
			Approximately 1,100 feet downstream of Interstate Route 287.	*124
			Approximately 620 feet upstream of Interstate Route 287.	*144
			Upstream Routes 202 and 206 (upstream side)	*171
			Upstream corporate limits.	*190
		Middle Brook	Confluence with North Branch Raritan River	*96
			Confluence of Hoopstick Brook	*101
			Upstream dam (2nd)	*121
			Lamington Road (upstream side)	*137
			Footbridge (upstream side)	*163
			Upstream dam (4th)	*176
			Approximately 1,420 feet upstream of 4th dam.	*196
			Approximately 85 feet upstream of Spook Hollow Road.	*213
		Clucas Brook	Confluence with North Branch Raritan River	*104
			Approximately 7,200 feet upstream of confluence with North Branch Raritan River	*124
		Peepack Brook	Approximately 60 feet upstream of Lamington Road	*149
			Confluence with North Branch Raritan River	*152
			Upstream corporate limits	*163
		Herzog Brook	Confluence with Lamington River	*194

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Hoopstick Brook	Approximately 60 feet upstream of Pottersville Road Confluence with Middle Brook Footbridge (upstream side) Approximately 50 feet upstream of Lamington Road	*220 *101 *122 *136

Maps available for inspection at the Municipal Building, Hillside Avenue, Bedminster, New Jersey.

New Jersey	Bridgeton, City, Cumberland County (Docket No. FEMA-6521)	Cohansey River	Downstream corporate limits Upstream corporate limits At confluence with Cohansey River Downstream Commerce Street/East Lake Dam and Spillway At confluence of Jacksons Run Downstream of North Burlington Road Upstream corporate limits Jacksons Run At confluence with East Lake At Kingsway Upstream corporate limits Sunset Lake Entire area within community Raceway Entire length within community Jacksons Run (shallow flooding)	*9 *10 *9 *18 *27 *41 *46 *27 *52 *58 *20 *18 #2
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Maps available for inspection at the City Hall Annex, 168 East Commerce Street, Bridgeton, New Jersey.

New Jersey	Byram, Township, Sussex County (Docket No. FEMA-6509)	Musconetcong River	Downstream corporate limits Downstream Access Road between CONRAIL and Lubbers Run Corporate limits upstream of Chesnut Road extended Corporate limits at CONRAIL bridge upstream of Lake Musconetcong Lubbers Run Confluence with Musconetcong River Upstream of U.S. Route 206 Upstream of Mansfield Drive Upstream of Dam at Lake Lackawanna Downstream of Lake Drive Upstream of Spillway which is upstream of Lackawanna Drive Upstream of Old Stanhope Road	*643 *655 *711 *870 *661 *685 *714 *722 *723 *786 *608
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Maps available for inspection at the Municipal Building, 10 Mansfield Drive, Byram, New Jersey.

New Jersey	Deal, Borough, Monmouth County (Docket No. FEMA-8509)	Atlantic Ocean Deal Lake	Entire shoreline within community Entire shoreline within community	*13 *11
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Maps available for inspection at the Municipal Building, Durant Square, Deal, New Jersey.

New Jersey	Lavallette, Borough, Ocean County (Docket No. FEMA-8521)	Atlantic Ocean Barnegat Bay	Entire shoreline within community Entire shoreline of harbor Swan Point Road (extended)	*13 *7 *8
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Maps available for inspection at the Borough Hall, Brooklyn and Grant Avenues (Route 35 N), Lavallette, New Jersey.

New Jersey	Lebanon, Township, Hunterdon County (Docket No. FEMA-6199)	South Branch Raritan River	Downstream corporate limits CONRAIL (upstream side) Hoffmans Crossing Road (upstream) Approximately 300 feet upstream of confluence of Little Brook Vernon Road (downstream side) Upstream corporate limits State Route 31 Access Road (upstream side) Springtown Road (upstream side) Downstream Footbridge (downstream side) Approximately 150 feet downstream of confluence of Derry Run Mowder Road (upstream side) Mowder Hill Road (upstream side) Penwell Road (upstream side) Upstream corporate limits Spruce Run Van Syckels Corner Road Confluence of Rocky Run Approximately 50 feet upstream of 2nd Private Drive (upstream side) Upstream corporate limits Rocky Run Confluence with Spruce Run Approximately 75 feet upstream of CONRAIL Private Drive (downstream side) Rocky Run Road (upstream side) Approximately 1,235 feet upstream of Rocky Run Road Willoughby Brook Confluence with Spruce Run Reservoir State Route 31 (upstream side) Most downstream corporate limits Downstream footbridge (upstream side) Upstream footbridge (downstream side) Approximately 60' upstream of upstream crossing of Buffalo Hollow Road (upstream side)	*327 *411 *442 *451 *487 *489 *346 *367 *364 *377 *384 *395 *413 *424 *275 *302 *327 *365 *302 *336 *426 *473 *530 *275 *276 *293 *365 *440 *467
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Maps available for inspection at the Municipal Building, Hill Road at Wood Glen, Lebanon, New Jersey.

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Long Branch, City, Monmouth County, (Docket No. FEMA-6509).	Atlantic Ocean	Atlantic Avenue (extended) Sea View Avenue (extended) Avery Avenue (extended) Lincoln Avenue (extended) Nanagansett Avenue (extended) Seventh Avenue (extended) Grand Avenue (extended)	*14 *14 *13 *13 *11 *11 *9
Maps available for inspection at the Office of the Planning Department, City Hall Annex, 344 Broadway, Long Branch, New Jersey.				
New Jersey	Mantoloking, Borough, Ocean County, (Docket No. FEMA-6509).	Atlantic Ocean	Entire shoreline within community	*13
		Barnegat Bay	Entire shoreline of Barnegat Bay within community	*7
Maps available for inspection at the Municipal Building, Downer and Bay Avenues, Mantoloking, New Jersey.				
New Jersey	Sea Girt, Borough, Monmouth County, (Docket No. FEMA-6521).	Atlantic Ocean	Entire shoreline within community Wreck Pond at Second Avenue extended Wreck Pond at CONRAIL bridge Wreck Pond at State Route 71	*13 *9 *10 *9
Maps available for inspection at the Municipal Building, 4th and Baltimore Avenues, Sea Girt, New Jersey.				
New Jersey	Seaside Park, Borough, Ocean County, (Docket No. FEMA-6509).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*13
		Barnegat Bay	Entire Barnegat Bay shoreline within community	*7
Maps available for inspection at the Municipal Building, Sixth and Central Avenues, Seaside Park, New Jersey.				
New Mexico	City of Las Cruces, Dona Ana County (FEMA-6521).	Flow Path 1	Just upstream of Elks Drive Just downstream of Interstate Highway 25 Just upstream of Del Rey Boulevard	*4,010 *4,068 *4,080
		Flow Path 2	Just downstream of U.S. Highways 70 and 82 Just upstream of Triviz Drive Just upstream of Don Roser Drive	*3,971 *4,043 *4,067
		Flow Path 3	Just downstream of Roadrunner Road	*4,131
		Flow Path 4	Just downstream of U.S. Highway 70 and 82 (Main Street) Just downstream of Mesquite Street	*3,916 *3,919
		Flow Path 5	Just downstream of Mesquite Street Just upstream of Solano Drive	*3,915 *3,930
		Flow Path 6	Just upstream of Conway Avenue Just downstream of May Avenue Just upstream of Van Patten Avenue	*3,882 *3,894 *3,898
		Flow Path 7	Just upstream of Park View Drive Just upstream of Perkins Drive (upstream most crossing)	*3,887 *3,891
		Flow Path 8	Just downstream of Roadrunner Expressway	*4,143
		Flow Path 9	Approximately 300 feet upstream of centerline of Government Dam	*4,105
		Flow Path 10	Just upstream of Interstate Highway 25	*4,009
		Flow Path 11	Just upstream of Stern Drive Just downstream of Frontage Road	*3,920 *3,925
		Flow Path 12	Just downstream of Interstate Highway 25 Just upstream of Las Alturas Road	*3,948 *3,964
		Flow Path 13	Just downstream of Farney Drive	*3,885
		Flow Path 15	Just upstream of West Hadley Avenue Just upstream of U.S. Highways 70 and 80 (West Picacho Avenue)	*3,891 *3,896
Maps available for inspection at City Engineering Department, City-County Building, 575 S. Alameda, Las Cruces, New Mexico 88004.				
New York	Angelica, Village, Allegany County (Docket No. FEMA-6499).	Angelica Creek	Downstream corporate limits Upstream Olean Street Upstream Peacock Hill Road Upstream corporate limits	*1,358 *1,410 *1,430 *1,445
		Tributary A-1	Confluence with Angelica Creek Downstream Common Road (North Street)	*1,435 *1,506
Maps available for inspection at the Village Office, White Street, Angelica, New York.				
New York	Macedon, Town, Wayne County (Docket No. FEMA-6521).	Ganargua Creek	Approximately 470 feet downstream of Village of Macedon corporate limits At upstream Village of Macedon corporate limits Upstream of Canandaigua Road Upstream of Nolan Road Upstream of Victor Road Upstream of footbridge At upstream corporate limits	*456 *470 *478 *486 *499 *504 *511
		New York State Barge Canal	Approximately .26 mile downstream of Village of Macedon corporate limits Upstream of Canandaigua Road At upstream corporate limits	*448 *464 *464
Maps available for inspection at the Town Hall, 30 West Main Street, Macedon, New York.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Hudson River	Downstream corporate limits Upstream of Mechanicville bridge Upstream corporate limits	*61 *63 *63
Maps available for inspection at the City Hall, 32 North Main Street, Mechanicville, New York.				
New York	Onondaga, Town, Onondaga County (Docket No. FEMA-6521)	Onondaga Creek	Downstream corporate limits Roswell Avenue (extended) Upstream corporate limits	*421 *426 *433
		Harbor Brook	Approximately 850 feet downstream of Farm Road Harris Road (upstream side) Approximately 1,900 feet upstream of Harris Road	*781 *863 *869
Maps available for inspection at the Town Hall, 4801 West Seneca Turnpike, Syracuse, New York				
New York	Poughkeepsie, City, Dutchess County (Docket No. FEMA-6509)	Hudson River	Entire shoreline within community	*9
		Fall Kill Creek	Howard Street	*182
		Casper Kill Creek	Upstream corporate limits Downstream corporate limits Upstream corporate limits	*182 *123 *127
Maps available for inspection at the City Clerk's Office, Municipal Building, Poughkeepsie, New York.				
New York	Roslyn, Village, Nassau County (Docket No. FEMA-6499)	Hempstead Harbor	Hempstead Harbor shoreline and entrance to Roslyn Channel	*17
Map available for inspection at the Village Hall, 1 Paper Mill Road, Roslyn, New York.				
New York	Round Lake, Village, Saratoga County (Docket No. FEMA-6509)	Ballston Creek	Confluence with Round Lake Upstream of Goldfoot Road Upstream corporate limits	*160 *163 *164
		Round Lake	Entire shoreline within community	*160
Maps available for inspection at the Village Hall, Burling Avenue, Round Lake, New York.				
New York	Stillwater, Village, Saratoga County (Docket No. FEMA-6509)	Schuyler Creek	Confluence with Hudson River Upstream corporate limits	*83 *94
		Hudson River	Downstream corporate limits Upstream of dam Upstream corporate limits	*82 *92 *94
Maps available for inspection at the Village Hall, School Street, Stillwater, New York.				
New York	Utica, City, Oneida County (Docket No. FEMA-6470)	Mohawk River	Downstream corporate limits Downstream North Genesee Street Upstream North-South Arterial Highway	*407 *409 *414
		Sauguot Creek	Downstream corporate limits Upstream State Route 5 East Upstream third spillway Upstream Genesee Street Upstream third CONRAIL crossing Upstream corporate limits	*487 *506 *520 *534 *550 *567
		Reall Creek	Confluence with New York State Barge Canal Upstream North Genesee Street Upstream New York State Thruway Upstream Trenton Avenue Upstream corporate limits	*409 *418 *424 *434 *446
		Nail Creek	Confluence with Mohawk River	*414
		Starch Factory Creek	Upstream Alder Street Downstream second CONRAIL crossing Approximately 500' upstream of Genesee Street Upstream Oneida Street Upstream corporate limits	*481 *502 *543 *617 *627
		Tributary to Sauguot Creek	Confluence with Mohawk River Downstream East-West Arterial Highway Upstream of second CONRAIL crossing Upstream Rutgers Street Upstream Ludlow Avenue Upstream Albany Street Approximately 2,800 feet upstream of Albany Street Upstream South Park Drive Upstream corporate limits	*407 *417 *439 *453 *489 *511 *550 *581 *584
			Downstream corporate limits Upstream corporate limits	*516 *516
Maps available for inspection at the City Engineer's Office, City Hall, 1 Kennedy Plaza, Utica, New York.				
New York	Valley Stream, Village, Nassau County (Docket No. FEMA-6247)	Valley Stream	Downstream Corporate Limits Valley Stream Boulevard (upstream side) Footbridge and Weir (upstream side) Hendrickson Avenue (upstream side)	*11 *16 *19 *21
		Motts Creek	Downstream Corporate Limits Rockaway Avenue (upstream side) Argyle Street (upstream side) Franklin Avenue (upstream side)	*11 *12 *24 *30
Maps available for inspection at the Village Hall, 123 South Central Avenue, Valley Stream, New York.				
Ohio	(V) Cleves, Hamilton County, (Docket No. FEMA-6526)	Great Miami River	Within community	*490
Maps available for inspection at the Clerk Treasurer's Office, Municipal Building, 101 North Miami Avenue, Cleves, Ohio.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Jamestown, Greene County. (Docket No. FEMA-6526).	Caesar Creek	About 0.38 mile downstream of South Charleston Road.	*1,050
		South Branch Caesar Creek	About 0.15 mile upstream of South Charleston Road.	*1,053
			About 0.42 mile downstream of State Route 72	*1,043
			About 0.27 mile upstream of Chessie System	*1,053
Maps available for inspection at the Mayor's Office, Six East Xenia Street, Jamestown, Ohio.				
Ohio	(Uninc.) Jefferson County (Docket No. FEMA-6526)	Ohio River	About 0.6 mile downstream of confluence of Short Creek.	*663
			At north county boundary	*683
		Yellow Creek	At mouth at Ohio River	*682
		North Fork Yellow Creek	At confluence of North Fork Yellow Creek	*684
			At confluence with Yellow Creek	*684
			About 0.6 mile upstream of State Route 213	*699
		Willis Creek	At mouth at Ohio River	*672
			About 150 feet downstream of confluence of Cedar Creek	*696
			Just upstream of Ross Ridge Alkanna Road (downstream crossing)	*789
			About 650 feet upstream of upstream crossing of Ross Ridge Alkanna Road	*835
		Cross Creek	Just upstream of State Route 7	*668
			Just upstream of confluence of Dry Fork	*686
			Just upstream of Mingo Junction Goulds Road (third crossing)	*712
		Short Creek	At mouth at Ohio River	*663
			Just downstream of State Route 150 (about 0.9 mile upstream of confluence of Little Short Creek)	*667
			Just upstream of confluence of Jug Run	*718
			Just downstream of Norfolk Southern Railway (upstream of Dillonvale-Longrun Road)	*776
			About 350 feet downstream of County Boundary	*664
		Piney Fork	At mouth at Short Creek	*727
			About 1,500 feet upstream of State Route 150	*735
Maps available for inspection at the Regional Planning Commission, Adams & Eighth Street, Steubenville, Ohio.				
Ohio	(V) Marblehead, Ottawa County (Docket No. FEMA-6364).	Lake Erie	Within corporate limits	*578
Maps available for inspection at the Mayor's Office, 513 West Main Street, Marblehead, Ohio.				
Ohio	(V) Terrace Park, Hamilton County (Docket No. FEMA-6526).	Little Miami River	About 1.1 miles downstream of confluence of East Fork River.	506
			About 1,000 feet downstream of U.S. Route 50	*522
Maps available for inspection at the Terrace Park Municipal Building, 426 Elm Street, Terrace Park, Ohio 45174.				
Ohio	(Uninc.) Wood County (Docket No. FEMA-6526)	Maumee River	At City of Rossford upstream corporate limits	*579
			Just downstream of Ohio Turnpike	*580
			Just upstream of Interstate 475	*593
			About 0.65 mile upstream of Providence Dam	*646
		Portage River	Just upstream of U.S. Route 23	*638
			At confluence of South Branch Portage River	*663
		Middle Branch Portage River	At confluence of South Branch Portage River	*663
			About 600 feet downstream of Solether Road	*676
			About 1,000 feet downstream of Place Road	*686
		North Branch Portage River	About 1.6 miles downstream of Kohring Road	*646
			Just downstream of State Route 199	*654
			Just upstream of Gypsy Lane Road	*666
			About 700 feet upstream of Portage Road	*676
		East Branch Portage River	Just upstream of Eagleview Road	*729
			About 2,400 feet upstream of Stearns Road	*753
		Ayers Creek	Just upstream of Fostoria Road	*602
			About 600 feet downstream of Interstate 280	*617
		Cedar Creek	About 600 feet upstream of State Route 579	*600
			About 0.6 mile upstream of Interstate 280	*612
		Little Cedar Creek	At confluence with Cedar Creek	*604
			Just upstream of Interstate 280	*613
			Just downstream of Conrail (near Ayers Road)	*616
			Just upstream of Conrail (near Ayers Road)	*621
		Crane Creek	Just upstream of State Route 51	*610
			About 1,800 feet upstream of State Route 51	*611
		Dry Creek	About 400 feet upstream of State Route 579	*605
			About 400 feet downstream of State Route	*626
		Grassy Creek	Just upstream of City of Rossford upstream corporate limits	*600
			Just downstream of State Route 795	*620
		Rocky Ford Creek	Just upstream of Jerry City Road	*692
			About 1,500 feet upstream of Front Street	*701
			Just upstream of Interstate 75	*712
			About 0.5 mile upstream of State Route 18	*726
		Rocky Ford Creek Tributary	At confluence with Rocky Ford Creek	*726
			Just upstream of West Park Road	*727

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sister Creek	Just downstream of Dam	*628
			Just upstream of Dam	*646
			Just downstream of State Route 235	*648
		Sugar Creek	At mouth at Maumee River	*628
			Just downstream of Dam	*629
			Just upstream of Dam	*646
			About 200 feet downstream of Sugar Creek Road	*653
Maps available for inspection at the Wood County Planning Commission, Courthouse Square, Bowling Green, Ohio.				
Oregon	The Dalles (City), Wasco County, FEMA-6526	Mill Creek	Intersection of W. Sixth Street and Stream	*102
			100 feet upstream from center of Wright Drive	*224
		Threemile Creek	25 feet upstream from center of Columbia River Highway	*114
		Columbia River	At the mouth of Threemile Creek	*97
Maps available for inspection at Building Department, 313 Court Street, The Dalles, Oregon 97058.				
Oregon	Veneta (City), Lane County, FEMA-6526	Long Tom River	90 feet west from center of intersection Territorial Highway and Jeans Road	*382
Maps available for inspection at City Hall, 24951 McCutcheon, Veneta, Oregon.				
Pennsylvania	Blair, Township Blair County (Docket No. FEMA-6526)	Beaverdam Branch Juniata River	Confluence with Frankstown Branch Juniata River	*927
			Approximately 850 feet upstream of confluence of Brush Run	*934
			Approximately 950 feet downstream of Park Street (extended)	*954
			At corporate limits located Just downstream of U.S. Route 220	*969
		Frankstown Branch Juniata River	Downstream of Township Route 405	*927
			Upstream of Legislative Route 07012	*933
			Approximately 2,100 feet upstream of CONRAIL	*944
			Approximately 2,200 feet downstream of Township Route 373	*958
			Approximately 580 feet upstream of corporate limits	*997
		Halter Creek	Confluence with Frankstown Branch Juniata River	*990
			Most upstream corporate limits	*1,032
		Popular Run	At confluence with Frankstown Branch Juniata River	*965
			Upstream of U.S. Route 220	*1,030
			At upstream corporate limits	*1,044
		Brush Run	Upstream of U.S. Route 22	*936
			Downstream of Scotch Valley Road	*942
Maps available for inspection at the Blair Township Building, Duncansville, Pennsylvania.				
Pennsylvania	Buffalo, Township, Butler County (Docket No. FEMA-6526)	Little Bull Creek	Downstream corporate limits	*1,046
			Upstream Hranica Road bridge	*1,064
			1,480 feet upstream Hranica Road bridge	*1,072
Maps available for inspection at the Buffalo Township Building, 19 Bear Creek Road, Sarver, Pennsylvania.				
Pennsylvania	East Brandywine, Township, Chester County (Docket No. FEMA-6526)	Beaver Creek	Downstream corporate limits	*355
			Upstream of Bondsville Road	*425
			Upstream of Hatfield Road (2nd crossing)	*451
			Upstream of East Reeceville Road	*479
			Upstream corporate limits	*482
		East Branch of Brandywine Creek	Downstream corporate limits	*252
			Upstream of Dowlin Forge Road	*269
			Upstream of Dorlans Mill Road	*284
			Upstream of Reeds Road	*306
			Upstream of Lyndell Road	*329
			Upstream corporate limits	*343
Maps available for inspection at the East Brandywine Municipal Building, 1214 Horseshoe Pike, Downingtown, Pennsylvania.				
Pennsylvania	East Nanmeal, Township, Chester County (Docket No. FEMA-6526)	Beaver Run	Approximately 450 feet downstream of Fairview Road	*377
			Upstream of Fairview Road	*385
			Approximately 220' downstream of Horseshoe Trail	*437
Maps available for inspection at the Township Building, Elverson, Pennsylvania.				
Pennsylvania	Fawn, Township, Allegheny County (Docket No. FEMA-6526)	Bull Creek	Downstream corporate limits	*766
			Upstream side of Bull Creek Road bridge (Allegheny bridge No. 2)	*804
			Upstream side of Bull Creek Road bridge located approximately 0.3 mile upstream of confluence of Howes Run	*823
			Upstream side of Lardintown Road bridge	*839
			Upstream side of most upstream Thompson Road bridge	*885
			Upstream corporate limits	*895
		Tributary to Bull Creek	Confluence with Bull Creek	*843
			Upstream side of Bull Creek Road bridge	*852
			Upstream corporate limits	*992
Maps available at the Fawn Township Building, Howes Run Road, Tarentum, Pennsylvania.				
Pennsylvania	Newry, Borough, Blair County (Docket No. FEMA-6526)	Poplar Run	Corporate limits (extended)	*1,019
			Approximately 530' upstream of corporate limits (extended)	*1,023
Maps available for inspection at the Borough Building, Newry, Pennsylvania.				

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Silverdale, Borough, Bucks County (Docket No. FEMA-6509)	Pleasant Spring Creek Tributary	Downstream corporate limits Upstream of State Route 152/Walnut Street Downstream of State Route 113/East Main Street Upstream corporate limits	*402 *418 *432 *441
Maps available for inspection at the Borough Building, Silverdale, Pennsylvania.				
Pennsylvania	West Marlborough, Township, Chester County (Docket No. FEMA-6526)	Doe Run	Downstream corporate limits Upstream State Route 82 Upstream Spring Dell-Doe Run Road Upstream corporate limits	*264 *296 *320 *339
Maps available for inspection at the West Marlborough Township Building, Route 82, Coatesville, Pennsylvania.				
South Carolina	Unincorporated Areas of Charleston County (FEMA-6470)	Atlantic Ocean/South Santee River	Just downstream of U.S. Highways 17 & 701 *At the confluence of Jeremy Creek with the Intra-coastal Waterway near the Town of McClellanville	*14 *17
		Atlantic Ocean	At the intersection of U.S. Highways 17 and 701 and State Highway 1335 At the intersection of State Highway 51 and Porcher Bluff Road	*12 *10
		Atlantic Ocean/Wando River	Just downstream of State Highway 41 along the north bank of the river	*11
		Atlantic Ocean/Charleston Harbor	Just downstream of State Highway 86 At the intersection of Wampler Street and Stirling Drive At the intersection of Beauregard Street and Clear View Drive	*9 *14 *14
		Atlantic Ocean/James Island Creek	Just upstream of Harbor View Road	*16
		Atlantic Ocean/Ashley River	Just upstream of State Highway 7 At the intersection of Hutton Place and Ashley Hall Road	*11 *9
		Atlantic Ocean/Stono River	Just upstream of Seaboard Coastline Railroad Just downstream of State Highway 700 Just downstream of State Highway 20 (John's Island Road)	*9 *12 *9
		Atlantic Ocean/Rantowles Creek	Just upstream of Seaboard Coastline Railroad	*9
		Atlantic Ocean/Wadmalaw River	Approximately 1.95 miles southeast of the intersection of State Highways 89 and 174 along State Highway 89	*14
		Atlantic Ocean/Bohicket Creek	At State Highway 1443 extended	*12
		Atlantic Ocean/Toogoodoo Creek	At Ethel Road extended	*10
		Atlantic Ocean/Dawho Creek	At the intersection of State Highways 174 and 89	*8
		Atlantic Ocean/South Edisto River	At Racoon Island Road extended Just downstream of the Seaboard Coastline Railroad	*16 *12
		Atlantic Ocean/Fishing Creek near St. Pierre	At State Highway 767 extended	*17
Maps available for inspection at Building Inspections Office, County Office Building, 2 Courthouse Square, Charleston, South Carolina 29401.				
South Carolina	Town of Meggett, Charleston County (FEMA-6526)	Atlantic Ocean	Approximately 500 feet south of intersection of Seaboard Coastline Railroad and County Road 1846 along County Road 1846 Approximately 100 feet east of intersection of Donaldson Street and Church Street along Donaldson Street	*9 *8
Maps available for inspection at Mayor's Office, Masonic Hall, Meggett, South Carolina 29460.				
South Carolina	City of North Charleston, Charleston County (FEMA-6470)	Atlantic Ocean/Cooper River Atlantic Ocean/Ashley River	At the confluence of Cooper River and Filbin Creek Approximately 3,000 feet west of Dorchester Road and Bream Street intersection along Bream Street	*13 *9
Maps available for inspection at Planning and Management Department, City Hall, 4900 Lacrosse Road, North Charleston, South Carolina 29411.				
West Virginia	Logan County (Docket No. FEMA-6526)	Guyandotte River	Downstream County boundary Downstream County Route 8 Upstream County Route 12 Upstream County Route 10-18 Upstream County Route 10-4 At upstream corporate limits of the Town of Man At upstream County boundary	*627 *648 *658 *682 *711 *732 *759
		Crawley Creek	At confluence with Guyandotte River Upstream County Route 3-9 Upstream County Route 3 Approximately 250' downstream of confluence of Brushy Fork	*635 *639 *663 *692
		Mud Fork	Confluence with Coppers Mine Fork Upstream of third upstream Chessie System bridge Confluence of Ellis Branch Upstream of fourth upstream Chessie System bridge Upstream County Route 41 Upstream of fifth upstream Chessie System bridge Upstream of second upstream County Route 5 bridge Downstream of confluence of Right Hand Branch	*675 *692 *711 *753 *772 *804 *830 *863
		Coppers Mine Fork	Downstream of confluence of Brush Camp Fork Confluence with Island Creek Upstream County Route 9-1 Upstream of third upstream Chessie System bridge	*910 *675 *698 *727

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of abandoned railroad bridge	*745
			Upstream County Route 9-2	*784
			Upstream of third upstream County Route 9-2	*802
			Approximately 0.33 mile upstream of fourth upstream County Route 9-2	*828
		Island Creek	Confluence with Guyandotte River	*661
			Upstream County Route 119-9	*688
			Upstream County Route 52	*714
			Upstream of third upstream State Route 44	*737
			Upstream of fourth upstream State Route 44	*750
			Upstream County Route 119-18	*772
			Upstream of second upstream County Route 119-18	*794
			Upstream of fifth upstream Chessie System	*815
			Confluence of Cow Creek	*842
			Approximately 0.29 mile upstream of confluence of Cow Creek	*851
		Big Haris Creek	Downstream County boundary	*640
			Downstream County Route 5-8	*666
			Downstream County Route 18	*691
			At County Route 5-7	*727
			Approximately 0.60 mile upstream of County Route 5-7	*762
			Confluence of Briar Branch	*807
			Approximately 260 feet upstream of Toblin Branch confluence	*824
			Approximately 0.52 mile upstream of Tomblin Branch confluence	*871
		Big Creek	Confluence with Guyandotte River	*630
			At County Route 4	*650
			At second upstream County Route 7	*672
			Upstream County Route 68	*702
			Confluence of Rock Lick Branch	*734
		Big Creek	Confluence of Hainer Branch	*777
			Approximately .47 mile upstream of confluence of Hainer Branch	*801
		Trace Fork	Confluence with Big Creek	*646
			Upstream State Route 119	*656
			Approximately 200 feet upstream of upstream County boundary	*670
		North Fork Big Creek	Confluence with Big Creek	*640
			Confluence of Chapman Branch	*702
			At upstream County boundary	*729
		Buffalo Creek	At downstream corporate limits	*757
			Upstream County Route 16-9	*804
			Upstream 2nd upstream County Route 16	*843
			At 1st upstream Access Road	*879
			Confluence of Robinette Branch	*942
			Upstream 4th upstream Access Road	*977
			Confluence of Cartwright Branch	*1,026
			Upstream County Route 68	*1,083
			Confluence of Upper Road Branch	*1,138
			Approximately 3,550 feet upstream of confluence of Upper Road Branch	*1,183
		Right Fork Buffalo Creek	Confluence with Buffalo Creek	*830
			Approximately .55 mile upstream of confluence with Buffalo Creek	*865
			Upstream County Route 16-1	*921
			Approximately .44 mile upstream of County Route 16-1	*940
			Approximately .96 mile upstream of County Route 16-1	*987
			Approximately 1.25 miles upstream of County Route 16-1	*1,014
		Huff Creek	Confluence with Guyandotte River	*733
			Confluence of Green Branch	*750
			Upstream County Route 10	*784
			Upstream County Route 10-6	*819
			Confluence of Dolliver Branch	*836
			Confluence of Sandlick Branch	*873
			Confluence of Hollow Log Branch	*905
			Upstream of third upstream Access Road	*940
			At upstream County boundary	*974
		Big Springs Branch	Confluence with Huff Creek	*791
			Approximately .33 mile upstream of confluence with Huff Creek	*832
			Approximately .63 mile upstream of confluence with Huff Creek	*877
Maps available for inspection at the County Courthouse, Logan, West Virginia.				
West Virginia	Princeton, City, Mercer County (Docket No. FEMA-8409)	Brush Creek	Downstream corporate limits	*2,386
			Downstream Thorn Street bridge	*2,388
			Upstream Brick Street bridge	*2,389
			Upstream Ingleside Road bridge	*2,390
			Upstream corporate limits	*2,393
		Daves Fork	At confluence with Brush Creek	*2,389
			Upstream Athens Road bridge	*2,393
			Upstream Thorn Street bridge	*2,396
			Approximately .10 mile upstream Prince Street bridge	*2,398
		Glady Fork	At confluence with Brush Creek	*2,391
			Upstream Old Bluefield-Princeton Road bridge	*2,397

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Bluefield Road bridge	*2,400
			Approximately .68 mile upstream Bluefield Road bridge	*2,408
Maps available for inspection at the Municipal Building, Princeton, West Virginia.				
West Virginia	Triadelphia, Town, Ohio County (Docket No. FEMA-6526).	Little Wheeling Creek	Downstream corporate limits	*703
			Upstream of Middle Wheeling Creek Road	*717
			Upstream of U.S. Route 40 (downstream crossing)	*756
			Upstream corporate limits	*782
		Middle Wheeling Creek	Confluence with Little Wheeling Creek	*712
			At Interstate Route 70	*714
			Upstream corporate limits	*758
Maps available for inspection at the Triadelphia Town Hall, Triadelphia, West Virginia.				
West Virginia	Williamson, City, Mingo County (Docket No. FEMA-6526).	Tug Fork	Downstream corporate limits	*664
			Upstream U.S. Route 119 bridge	*668
			Upstream Norfolk & Western Railway bridge	*671
			Upstream corporate limits	*674
Maps available for inspection at the City Hall (old Amtrak Building), Route 52, Williamson, West Virginia.				
Wisconsin	(C) Evansville, Rock County, (Docket No. FEMA-6526).	Allen County	About 1.0 mile downstream of Water Street	*861
			Just downstream of Lake Leota Dam	*903
			Just upstream of Lake Leota Dam	*909
			About 2000 feet upstream Lake Leota Dam	*910
Maps available for inspection at the City Hall, 31 South Madison Street, Evansville, Wisconsin.				
Wisconsin	(C) Gillett, Oconto County, (Docket No. FEMA-6526)	Christie Brook	About 0.72 mile downstream of North Green Bay Avenue	*765
			About 0.56 mile upstream of McKenzie Avenue	*804
Maps available for inspection at the Building Inspector's Office, City Hall, Gillett, Wisconsin.				
Wisconsin	(V) Lac La Belle, Waukesha County, (Docket No. FEMA-6526).	Lac La Belle	At Shoreline	*854
Maps available for inspection at the Clerk's Office, Village Hall, 850 Summit Avenue, Lac La Belle, Wisconsin.				
Wisconsin	(V) Osceola, Polk County, (Docket No. FEMA-6526).	St. Croix River	About 1.7 miles downstream of State Highway 243	*702
			About 1.2 miles upstream of State Highway 243	*704
Maps available for inspection at the Village Administrator's Office, Municipal Building, Osceola, Wisconsin 54020.				
Wisconsin	(V) Whiting, Portage County, (Docket No. FEMA-6526).	Wisconsin River	Just downstream of Whiting-Plover Dam	*1,047
			Just upstream of Whiting-Plover Dam	*1,054
			Just upstream of Wisconsin River Division Dam	*1,069
			About 1.0 mile upstream of Wisconsin River Division Dam	*1,071
Maps available for inspection at City Hall, 3800 Church Street, Whiting, Wisconsin.				
Wisconsin	(V) Wycocena, Columbia County, (Docket No. FEMA-6470).	Duck Creek	Just upstream of Private Drive	*794
			Just downstream of Dam	*795
			Just upstream of Dam	*800
			At upstream corporate limits	*803
Maps available for inspection at the Village Hall, Wycocena, Wisconsin.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Colorado	Manitou Springs (City), El Paso County, FEMA-6262	Fountain Creek	Intersection of Creek and Beckers Lane	*8,186
			Intersection of Manitou Avenue and Waltham Avenue	*8,375
		Sutherland Creek	Intersection of Sutherland Road and Crystal Park Place	*6,320
		Williams Canyon	Intersection of Canon Avenue and Grand Avenue	*6,360
		Ruxton Creek	Intersection of Creek and Ruxton Avenue	*6,539
Maps available for inspection at Town Hall, 606 Manitou Avenue, Manitou Springs, Colorado.				
Delaware	Sussex County, (Docket No. FEMA-6384).	Atlantic Ocean	From Cape Henlopen to approximately 2.18 miles south of Indian River Inlet	*13
			From approximately 2.18 miles south of Indian River Inlet to approximately 0.23 mile south of Bethany Beach southern corporate limits	*12
			From approximately 0.23 mile south of Bethany Beach southern corporate limits to approximately 0.07 mile south of South Bethany southern corporate limits	*11

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Delaware Bay	From approximately 0.07 mile south of South Bethany southern corporate limits to state boundary. Entire shoreline within county	*13 *13

Maps available for inspection at the Office of Planning and Zoning, Sussex County Courthouse, Georgetown, Delaware.

Louisiana	City of Shreveport, Caddo Parish, (FEMA-6356)	Red River	Just downstream of 70th Street Just upstream of the Long Allen Bridge	*162 *166
		Cross Bayou	Approximately 1,400 feet downstream of Hearne Avenue (LA Highway 3094)	*168
		Twelve Mile Bayou	Just upstream of the Texas and Pacific Railroad Approximately 4,800 feet upstream of State Highway 3094	*167 *169
		Cross Bayou Lateral	Just upstream of U.S. Highway 71	*170
		McCain Creek (backwater effects from Twelve Mile Bayou)	Just downstream of Holzman Street Just upstream of Abbie Street	*171 *175
		Country Club Lateral	Just upstream of Interstate Highway 220	*169
		Galaxy Lateral	Just upstream of Cooper Road	*170
		Bickham Bayou	Just downstream of Lake Shore Drive Just upstream of Hassett Avenue extended	*176 *181
		Boggy Bayou	Just upstream of Jefferson Paige Road	*196
		Gilmer Bayou	Just upstream of South Lakeshore Drive Approximately 300 feet upstream of Yontan Road	*176 *205
		Southwood High Lateral (backwater effects from Gilmer Bayou)	At the confluence with Gilmer Bayou	*170
		Industrial Park Lateral	Just downstream of Colquitt Road	*171
		Francis Shirley Lateral	Just upstream of Flournoy-Lucas Road	*182
		Lincoln Memorial Park Lateral	Just upstream of Buncombe Road	*218
		Brush Bayou	At the confluence with Gilmer Bayou	*182
		Brookwood Lateral	Just upstream of Texas Pacific Railroad (abandoned)	*177
		75th Street Drainage Ditch	Just upstream of Buncombe Road	*206
		Airport Ditch	Just downstream of Industrial Loop Expressway	*208
		Hollywood Lateral	At the confluence with Industrial Park Lateral	*207
		Werner Park Lateral	Just downstream of Buncombe Road	*206
		Southern Hills Lateral	Just upstream of U.S. Highway 171	*196
		Bayou Pierre	Just upstream of West 70th Street	*192
		Ockley Ditch	At Meadow Avenue	*196
		Sand Beach Bayou	Just downstream of Kingston Road	*170
		South Broadmoor Lateral	Just upstream of Acacia Lane	*178
		Old River	Just upstream of Wyngate Circle	*184
		Cross Lake	Just upstream of Wallace Avenue	*186
			Just downstream of Southern Pacific Railroad	*194
			At Jewella Road	*204
			Just upstream of Texas and Pacific Railroad	*220
			Just upstream of Meriwether Road	*200
			Just upstream of West 70th Street	*209
			Just upstream of Powell-Broadway Street	*213
			Just downstream of Kennedy Street	*207
			Just upstream of Waggoner Street	*211
			Just downstream of Bibb Street	*172
			Just upstream of Darlington Court extended	*184
			Just downstream of Southern Pacific Railroad	*160
			Just upstream of Flournoy-Lucas Road	*164
			Just downstream of Ockley Drive	*166
			Just upstream of Ockley Drive	*169
			Just upstream of King's Highway	*168
			Approximately 100 feet upstream of Radcliff Street	*173
			Approximately 80 feet upstream of Wilder Street	*172
			Just upstream of Line Avenue	*190
			Just upstream of Kansas City Southern Railroad	*160
			Just downstream of Industrial Loop Expressway	*160
			Just upstream of Village Green Drive extended	*160
			Just upstream of State Highway 1	*160
			Just upstream of State Highway 1	*167
			Just downstream of East 70th Street	*176
			The entire shoreline	*176

Maps available for inspection at City Engineer's Office, City Hall Annex, 1237 Murphy Avenue, Shreveport, Louisiana 71130.

New Jersey	Piscataway, Township, Middlesex County, (Docket No. FEMA-6470).	Raritan River	Downstream of State Route 18	*18
		Ambrose Brook	Upstream of Fieldville Dam	*30
			Upstream of Possumtown Road (first crossing)	*40
			Upstream of confluence of Dotys Brook	*51
			Upstream of Lake Nelson Dam	*62
			Upstream of Stelton Road	*78
		Dotys Brook	Downstream of South Randolphville Road	*50
			Upstream of Earthen Dam	*62
			Upstream of South Washington Avenue	*68
			Downstream of Stelton Road	*86
		Bound Brook	Upstream of South Avenue	*90
			Upstream of New Market Lake Dam	*99
			Downstream of New Brunswick Avenue	*81
		Bonygutt Brook	Downstream of Hazelwood Place	*98
			Upstream of Chestnut Place	*60
			Upstream of Leslie Avenue	*68

Maps available for inspection at the Municipal Building, Hoes Road and Sidney Road, Piscataway, New Jersey.

New Jersey	River Edge, Borough, Bergen County, (Docket No. FEMA-6449).	Hackensack River	Upstream corporate limits River Edge Road (downstream side)	*12 *10
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State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Coles Brook	New Bridge Road	*9
			Confluence with Hackensack River	*9
			Johnson Avenue (downstream side)	*12
		Van Saun Mill Brook	Confluence of Van Saun Mill Brook	*16
			Confluence with Coles Brook	*16
			Howland Avenue (downstream side)	*28
			Access Road upstream of Herring Brook (downstream side)	*32
			Continental Avenue (upstream side)	*45
Maps available for inspection at the Borough Hall, 705 Kinderkamack Road, River Edge, New Jersey.				
New York	Ilion, Village, Herkimer County, (Docket No. FEMA-6470).	Mohawk River	Upstream corporate limits	*395
			Upstream Central Avenue	*395
			Downstream corporate limits	*395
Maps available for inspection at the Village Clerk's Office, Village Hall, 45 Morgan Street, Ilion, New York.				
North Carolina	Unincorporated areas of Forsyth County (FEMA-6356)	Abbotts Creek	Just upstream of U.S. Highway 311	*608
			Just upstream of Watkins Ford Road (SR 2624)	*824
			Just upstream of Ogden Road	*851
			Just upstream of Old Salem Road	*865
		Bear Creek	Just downstream of Walker Road	*803
			Just downstream of Upper Dam	*826
			Just upstream of Upper Dam	*838
		Bill Branch	Just upstream of Spicewood Drive (North Carolina State Road 1434)	*732
		Canstaff Branch	Just upstream of Whitmore Drive	*890
		Cuddybun Branch	Just upstream of U.S. Highway 311	*816
		Fairway 14 Branch	Just upstream of Uppermost Golf Cart Path	*875
		Fairway 7 Branch	Glenview Drive Extended	*863
		Fiddlers Creek	Just downstream of Teague Road	*751
			Just downstream of Oak Grove Road	*841
			Just upstream of Lake Valley Drive	*873
		Fiddlers Creek Tributary	Approximately 150 feet upstream of confluence with Fiddlers Creek	*817
		Frazier Creek	Largo Drive extended	*865
		Grassy Creek	Just upstream of North Carolina State Road 1669 (Ziglar Road)	*818
			Just upstream of U.S. Highway 52 (Northbound Lanes)	*837
			Summit Street Extended	*967
		Harmon Mill Creek	Just upstream of Farm Road	*840
			Just upstream of I-40	*855
			Just upstream of U.S. Highway 150	*875
		Idlewild Road Branch	Approximately 300 feet upstream of New U.S. Highway 311 bypass	*826
			Approximately 100 feet downstream of Watkins Ford Road	*841
			Approximately 100 feet upstream of Watkins Ford Road	*856
		James Branch	Just upstream of Hilltop Drive	*777
		Johnson Creek	Approximately 100 feet upstream of Tanglewood Park Road (State Road 3003)	*692
			Schaefer Court Extended	*700
		Johnson Creek Tributary	Tanglebrook Trail Extended	*694
		Kerners Mill Creek	Just upstream of Hopkins Road	*873
		Knights Road Branch	State Road 2830 Extended	*888
		Leak Creek	Just upstream of State Road 150	*725
			Just upstream of U.S. Highway 52 (Northbound Lanes)	*754
		Little Creek	Just upstream of Jonestown Road	*711
		Lowery Mill Creek	Approximately 200 feet upstream of U.S. Highway 158	*853
			Swain Lake Drive Extended	*877
		Martin Mill Creek	Ches Lane Extended	*863
		Mill Creek	Just upstream of Shattalon Road (Flooding at this location is affected by backwater from Muddy Creek)	*749
			Just upstream of Old Rural Hall Road	*823
			Just upstream of Baux Mountain Road	*844
			Just upstream of Davis Road	*872
		Mill Creek No. 3	Approximately 50 feet upstream of High Cliffs Road (State Road 1794)	*796
			Just upstream of Bowens Road (State Road 1625)	*843
		Millhaven Creek	Just downstream of Dam	*756
			Just upstream of Dam	*787
		Muddy Creek	Just downstream of Cooper Road	*692
			Just upstream of U.S. Highway 158 (Clemmons Road)	*706
			Just upstream of Robinhood Road	*747
			Just upstream of Yadkinville Road (State Road 1525)	*764
			Just upstream of North Carolina State Road 65	*784
			Just upstream of Jeff Trail	*805
			Just upstream of Griffin Road (State Road 1632)	*847
			Just upstream of Tobaccoville Road	*878
			Just downstream of Booze Road	*915
		Oil Mill Branch	Just upstream of Spicewood Road (North Carolina State Road 1434)	*764
		Parkers Creek	Approximately 150 feet upstream of Griffin Road (State Road 1632)	*853
		Petree Creek	Approximately 80 feet downstream of Petree Road	*752
			Just upstream of Petree Road	*764
		Pinetree Branch	Just downstream of Teague Road (North Carolina State Road 2680)	*838

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Reynolds Creek	Just downstream of Middle Dam Just upstream of Middle Dam Approximately 100 feet downstream of Lewisville-Clemmons Road Approximately 150 feet upstream of Lewisville-Clemmons Road	*871 *882 *736 *746
		Rich Fork	Just upstream of U.S. Highway 311 Approximately 200 feet upstream of New U.S. Highway 311 (under construction)	*831 *863
		Robindale Branch	Just upstream of Robbin Road (North Carolina State Road 2677)	*815
		St. Delight Branch	Jayson Lane Extended Approximately 750 feet downstream of Townsend Road	*839 *890
		Salem Creek	Approximately 100 feet upstream of Fraternity Church Road	*696
		Sawmill Branch	Just downstream of Clemmons Road	*708
		Silas Creek	Just upstream of Sawmill Road Approximately 200 feet upstream of Interstate Highway 40	*805 *716
		Soakas Creek	Approximately 150 feet upstream of Robinhood Road Just upstream of Partridge Lane	*817 *826
		South Fork Muddy Creek	Approximately 150 feet upstream of Reynolds Road Just downstream of Reynolds Estate Dam Just upstream of Southern Railway	*850 *868 *747
			Approximately 100 feet upstream of Ebert Road Just downstream of North Carolina State Road 3011 Just upstream of North Carolina State Road 150	*704 *716 *721
			Just upstream of Winston-Salem Southbound Railroad Just downstream of North Carolina State Road 2743 (Old Lexington Road)	*738 *747
			Just downstream of State Road 109 Just upstream of Union Cross Road	*774 *789
			Just upstream of New U.S. Highway 311 Rash Drive Extended	*815 *870
		Swain Creek	Just upstream of Old U.S. Highway 311 Parnell Road Extended	*824 *866
		Tomahawk Branch	Chickasha Road Extended	*701
		Vernon Branch	Approximately 100 feet upstream of Fox Meadow Lane Langden Road Extended	*766 *776
		West Fork Deep River	Just upstream of North Carolina State Road 2602 Just upstream of North Carolina State Road 2603	*896 *887
Maps available for inspection at Office of the Director of Planning, City-County Planning Board, Winston-Salem, City Hall, 101 North Main Street, Winston-Salem, North Carolina 27102.				
North Carolina	City of Winston-Salem, Forsyth County (FEMA-8356)	Ardmore School Branch	Just downstream of Revere Road Just upstream of Revere Road Just upstream of Kenwood Street	*789 *801 *807
		Berry Branch	Just upstream of Martin Street Just upstream of upstreammost Golf Cart Path	*847 *780
		Bethabara Branch	Just upstream of Bethabara Road	*789
		Bottom Branch Creek	Just upstream of Silas Creek Parkway Just downstream of Westover Drive	*780 *815
		Bowen Boulevard Branch	Just upstream of Westover Drive Approximately 130 feet downstream of Atucks Street Approximately 100 feet downstream of 25th Street	*821 *822 *845 *858
		Brenner Lake Branch	Just upstream of 25th Street Wood Valley Road Extended	*784 *855
		Brushy Fork Branch	Just downstream of Petree Road Extended (Winston-Salem Southern Corporate Limits) Just upstream of U.S. Highway 311	*838 *878
		Brushy Fork Creek	Just upstream of Butterfield Drive Just upstream of Southern Railway Just upstream of Old Greensboro Road	*781 *790 *797
		Buena Vista Branch	Just upstream of U.S. Highway 311 Just upstream of Toresa Avenue	*827 *827
		Burke Creek	Just upstream of Pine Valley Road Rugby Road Extended	*840 *745
		Cloverleaf Branch	Just upstream of Burke Mill Road Woodworth Drive Extended	*758 *774
		Dunagin Branch	Just upstream of Stadium Drive Just downstream of Fire Road	*804 *813
		Fiddlers Creek	Gilbert Street Extended Just downstream of Teague Road Just upstream of Thomasville Road	*751 *770 *790
		Fishers Branch	Just upstream of Cole Road Just upstream of U.S. Highway 311 Just upstream of Sedge Garden Road	*808 *836 *854
		Fivemile Branch	Tekeo Lane Extended	*792
		Frazier Creek	Just upstream of Waterworks Road Approximately 50 feet upstream of Winston Lake Park Road	*818 *849
		Grassy Creek	Just upstream of Boeson Dairy Road	*790
		Hanes Park Branch	Just upstream of Becks Church Road Just upstream of Northwest Boulevard	*792 *814
		Hines Lake Branch	Just upstream of Buena Vista Road Approximately 50 feet downstream of Roseann Drive	*759 *833
		Kerners Mill Creek	Ferndale Avenue Extended Just downstream of Linville Road	*798

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)			
			Just upstream of Linville Road	*806			
			Just downstream of Interstate 40	*810			
			Just upstream of Hawthorne Road	*793			
			Just downstream of Maplewood Drive	*800			
			Approximately 60 feet upstream of Patricia Lane	*857			
			Just upstream of University Parkway	*796			
			Just upstream of U.S. Highway 52	*822			
			Just upstream of Motor Road	*845			
			Just upstream of Patterson Avenue Extension	*869			
			Just upstream of U.S. Highway 421	*768			
			Just upstream of Silas Creek Parkway	*815			
			Just upstream of Old Goldsboro Road (flooding at this location is affected by backwater from Kerners Mill Creek).	*798			
			Richards Avenue Extended	*814			
			Just upstream of Walkertown Road	*825			
			Just upstream of Valleyview Road	*765			
			Just downstream of Bethania Road	*782			
			Just downstream of Shattalon Drive	*787			
			Just upstream of University Parkway	*799			
			Just upstream of Germantown Road	*813			
			Mill Creek Tributary	Confluence with Mill Creek (flooding at this location is affected by backwater from Mill Creek).	*803		
			Mihaven Creek	Approximately 40 feet upstream of Mihaven Road (North Carolina State Road 1358).	*777		
			Tallison Drive Extended	*837			
			Just upstream of Old Town Road (Indiana Avenue Extended).	*794			
			Just upstream of Bethabara Road	*808			
			Approximately 150 feet upstream of Linn Station Road	*860			
			Just upstream of U.S. Highway 421	*728			
			Just upstream of Lewisville Road (State Road 1001)	*734			
			Gatewood Drive Extended	*740			
			Just upstream of Trade Street	*841			
			Just upstream of Salisbury Road	*743			
			Just upstream of South Main Street	*821			
			Just upstream of Link Road	*745			
			Just upstream of Glade Street	*784			
			Just downstream of Northwest Boulevard	*802			
			Just upstream of Huntinggreen Road	*865			
			Jamar Drive Extended	*817			
			Just upstream of Ebert Street	*728			
			Just upstream of Silas Creek Parkway	*743			
			Just upstream of Vargrave Street	*770			
			Just upstream of Reynolds Park Road	*772			
			Just upstream of Country Club Road	*771			
			Just upstream of Barnes Road	*742			
			Just upstream of State Road 8 (Main Street)	*731			
			Just upstream of Winston-Salem Southbound Railroad	*738			
			Just downstream of North Carolina State Road 2743	*747			
			Just upstream of Diggs Boulevard	*790			
			Just upstream of Fire Road	*805			
			Approximately 30 feet downstream of Private Dam	*842			
			Just upstream of Private Dam	*852			
			Maps available for inspection at City Hall, Room 27, 101 North Main Street, Winston-Salem, North Carolina 27102.				
			Pennsylvania	Bridgeville, Borough, Allegheny County (Docket No. FEMA-6449).	Chartiers Creek	Downstream corporate limits	*821
						Upstream of Washington Avenue	*827
					McLaughlin Run	Upstream corporate limits	*833
						Confluence with Chartiers Creek Auxiliary Channel	*801
Upstream of 1st crossing of McLaughlin Run Road	*827						
Upstream corporate limits	*850						
Chartiers Creek Auxiliary Channel	Downstream corporate limits	*797					
	Upstream corporate limits	*801					
	Maps available for inspection at the Borough Municipal Building, Bridgeville, Pennsylvania.						
	Texas	Deer Park, City, Harris County (Docket No. FEMA-6431).			Buffalo Bayou Tidal Flooding Affecting Patrick Bayou.	At corporate limits	*11
Entire shoreline within corporate limits			*11				
Buffalo Bayou Tidal Flooding Affecting Tucker Bayou.			Downstream corporate limits	*23			
			Downstream of Pasadena Boulevard	*27			
Willow Springs Bayou			Downstream corporate limits	*24			
Tributary A to Willow Springs Bayou.			Pasadena Boulevard	*26			
Tributary B to Willow Springs Bayou.			Pasadena Boulevard	*26			
East 13th Street Outfall Channel			Confluence with Patrick Bayou	*17			
Houston Light and Power Easement (downstream side).			*26				
Maps available for inspection at City Hall, Deer Park, Texas.							

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director]

Issued: August 16, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-24782 Filed 9-13-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-245; FCC 83-374]

American Telephone & Telegraph Co.; Manual and Procedures for the Allocation of Costs

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This Order modifies the Interim Cost Allocation Manual (ICAM) used by AT&T to allocate costs among its interstate services. These changes in the ICAM are needed to make it consistent with our Access Charge Rules and to eliminate references to classes of equipment or services which will no longer be part of AT&T after the divestiture of its Operating Companies. This action updates the ICAM and gives AT&T allocation methods to follow in future tariff filings.

EFFECTIVE DATE: August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Leonard S. Sawicki, Common Carrier Bureau, (202) 632-6363.

Order

In the Matter of American Telephone & Telegraph Co., CC Docket No. 79-245; FCC 83-374, Manual and Procedures for the Allocation of Costs.

Adopted: August 4, 1983.

Released: August 22, 1983.

By the Commission.

I. Introduction

1. On May 18, 1983, the Commission released a Notice of Proposed Rulemaking in this proceeding. 48 FR 23854 (May 27, 1983). That Notice contained our proposals to modify the *Interim Cost Allocation Manual (ICAM)* for AT&T's interstate services so that the ICAM would reflect changes brought about by our Access Charge Order¹ and the divestiture of the Bell Operating Companies.² This proceeding is

intended to make changes to the ICAM necessitated by those events. As we stated in the Notice, there are other issues pending in this docket which are not addressed here. Our intention is to reach those issues later. This Order makes adjustments to the *Manual* to enable the American Telephone & Telegraph Co. (AT&T) to file new interstate tariffs in October 1983, to be effective at divestiture proposed for January 1, 1984.

II. Summary of the Comments

2. Comments and replies were received from seven parties. AT&T agreed for the most part with the changes in the ICAM described in the Notice. It observed, however, that it does not believe that ICAM is an appropriate long-term regulatory tool. AT&T further stated that even for the October 3, 1983 filing the Commission may have to consider not holding AT&T to the strict equalized rate of return requirements associated with the ICAM. These "equalization" requirements require AT&T to attempt to earn the same rate of return from MTS, WATS and private lines. The Commission may have to consider a "permissible zone of reasonableness" for the rates of return of the individual services because changes in the ICAM and changes resulting from the divestiture may affect the allocations of cost in unexpected ways.

3. AT&T states that with one major exception (premium access) it has chosen the same allocation methodology for its October 3, 1983 filings as that proposed in the Notice. Further, because of time constraints, if the ICAM amendments finally adopted differ substantially from AT&T's assumptions, it will have to have to take account of such changes in early 1984.

4. AT&T has argued against the premium access charge in *Access Reconsideration*. Regarding the allocation of the premium access charge, AT&T states that there is "no method that is not arbitrary for allocating an expense which is itself determined in an uneconomic manner." AT&T Comments, p. 6. The use of conversation minutes proposed in the Notice as an allocator for the premium access element will cause major shifts in the allocation of costs between MTS and WATS thus compounding the premium access problem as viewed by AT&T. If the

requirement to equalize the rates of return of MTS and WATS is enforced by the Commission, the major shift in cost allocation would give improper and transitory price signals. To avoid such an abrupt shift in the cost allocation, AT&T recommends the use of the relative number of MTS and WATS messages as a basis of allocation. AT&T says that the use of messages would give the desired result by not changing significantly the relative allocation of costs to these services, ameliorating customer impact related to the premium access expense. The use of minutes would cause a "temporary but dramatic shift in cost assignments and rates, if an inflexible equalization requirement is imposed." AT&T Comments, p. 8. AT&T further argues that, to the extent that there are differences in access provided to it and the OCCs, these differences deal with call "setup," not a call's duration, thus arguing for the use of messages as an allocator rather than minutes.

5. AT&T asserts that the Exchange Contract Services Category proposed in the Notice is not appropriate to the ICAM. The revenues and costs of the services and facilities provided to the divested Bell Operating Companies will not be part of AT&T interstate common carrier operations and thus will not be part of the interstate rate base or cost of service. These revenues and costs will be identified on its books of account. AT&T declares, and the FCC may monitor those amounts through means other than the ICAM.

6. AT&T then presents arguments supporting its position that ICAM "will serve no useful purpose in 1984 and beyond." AT&T Comments, p. 11. AT&T cites what it calls "pervasive competition" and low entry barriers to bolster its arguments.

7. GTE Sprint Communications Corporation, formerly Southern Pacific Communications Corporation, points to a "lack of clarity in a number of access expense allocation procedures [which] will inevitably lead to an overallocation of costs to the MTS category and an under allocation of costs to the WATS category." In particular GTE Sprint points to the lack of a reason for using only the open-end minutes of WATS in the allocation of the premium access charge. GTE Sprint contends that MTS will be burdened with greater expenses

¹ MTS/WATS Market Structure Inquiry, Third Report and Order, 48 F.R. 10319 (March 11, 1983).

² Modification of Final Judgment (MFJ), United States v. American Telephone & Telegraph Co., 552 F. Supp. 131 (D.D.C. 1982), aff'd sub nom. Maryland v. United States, 51 U.S.L.W. (March 1, 1983).

while the WATS rate base would be artificially decreased, thus eventually increasing the rate differential between the two services. This would be "inimical to promotion of full and fair competition." GTE Sprint Comments, p. 8. GTE Sprint recommends that the Commission either count both the open and closed ends of WATS lines or allocate the premium access amount based on the number of MTS and WATS calls.

8. GTE Sprint also argues that the allocation of common and dedicated transport expenses do not account for the distance factor discussed in the *Third Report and Order* in CC Docket No. 78-72 (Access Charge decision). GTE Sprint Comments, p. 8. It also asserts that the allocation of billing and collection costs is not specific enough. GTE Sprint believes that the "obscure language" will allow AT&T "to interpret the allocation procedures in a variety of ways which subsequently would allow it to vary the share of expenses allocated among the three service categories." GTE Sprint Comments, p. 9. In addition, GTE Sprint claims that the allocation procedure for transitional surcharges is more general than it should be and the difference in detail between their descriptions in the *Notice* in this proceeding and the *Third Report and Order* could lead to inconsistent allocations. "The Commission should consider allocating directly according to the percentages of credit card, collect calls and 800 Service to AT&T's respective service categories," argues GTE Sprint. Comments, p. 11.

9. United States Transmission Systems, Inc. (USTS) argues that this proceeding is misconceived, noting that it may prejudice outstanding issues in the Access Charge proceeding. Further, if changes need to be made in the *ICAM* because of reconsideration of access charges, another *Notice* would be needed here. This is a procedure the Commission said it will not follow, declares USTS. The interim procedures are flawed and amending them to aid divestiture is uncalled for, says USTS. USTS argues that AT&T can file new tariffs effectuating divestiture without changing the *ICAM*. USTS asserts that the Commission should apply accounting and costing procedures to the BOCs. USTS characterizes the FCC's proposal as "treacherous" and urges that the *Notice* be dropped.

10. ABC, CBS and NBC (the Networks) note that the program transmission facilities provided to them by AT&T are treated separately in the access charge plan and point out that they have asked that a separate category for those costs

be created in the access rules "to eliminate the possibility of confusion" concerning the Commission's intent. Networks' comments, p. 4. The *ICAM* should conform to the Commission's intent in the *Third Report and Order* and the Commission should "ensure that only the costs which are actually attributable directly to program transmission are allocated to these services." Networks' Comments, p. 7, footnote omitted.

11. Satellite Business Systems (SBS) "strongly urges the Commission to provide for continued reporting by the divested BOCs as to their interstate access-related investments, expenses and revenues." SBS Comments, p. 1. It urges the Commission to promptly issue a *Notice* in this matter.

12. SBS argues for the collection of data on time-of-day (peak/off-peak) network utilization to support and evaluate the FCC's network efficiency-related decisions. Expenses, investments, revenues and rates of return should be calculated by the time of day in any permanent cost manual and in the *ICAM* if possible.

13. SBS argues that AT&T will end up paying a premium access charge that is actually far less than the nominal \$1.4 billion amount stated in the Access Charge Order. SBS suggests that AT&T report, parenthetically, the actual amount of a premium charge it is paying over what it would otherwise pay. Also, the FCC should not anticipate Joint Board action as it does in the *Notice*, says SBS. Only actual, not planned separations, changes should be dealt with. Finally, SBS argues that more detailed rules should be promulgated for Exchange Contract Services.

14. The Ad Hoc Telecommunications Users Committee (Committee) generally agrees with the changes proposed with three major exceptions. First, the FCC should include any material changes from the access charge reconsideration in the *ICAM* and not accept the *Third Report and Order* as "given" as the Committee interprets the *Notice*. Second, the *ICAM* language should be more precise concerning Local Switching, Dedicated Transport and Special Access. Third, "General Services and Licenses" cost procedures should not be changed as they were in the *Notice*.

15. The Committee suggests that the revised *ICAM* should specify that LS-1 switching "should be allocated among all *ICAM* services that utilize such switching in proportion to the relative incidence of line termination costs among those same services." The Committee also believes that the *ICAM*

should recognize that an open-end private line service may someday be offered over a higher feature trunk-side type switching arrangement. This would require the reallocation of some LS-2 costs, the Committee asserts. Finally, the Committee argues that the "General Services and Licenses" changes sacrifice detail, and suggests that they should be retained at least as they are now. In fact, the Committee declares the *ICAM* should be amended to require AT&T "to allocate such costs to the service categories and specific service offerings on the same cost causative basis and level of disaggregation as exist in AT&T's internal cost allocation systems." Committee Comments, p. 17.

16. In its Reply, the Committee writes that it agrees with the allocation of the premium access charge based on messages rather than minutes. The Committee remarks that while it "firmly is of the view that NTS costs are best recovered through flat rate charges, premium access does relate more directly to the costs of establishing an individual message than to the duration of the message." Committee Reply, p. 2. The Committee also observes that AT&T's "facts" concerning the "Competitiveness" of the interexchange transmission services market are not undisputed at this time. The Committee opines that the Commission needs to continue to rely on the *ICAM* and other aspects of tariff regulation of AT&T well into any transition period toward freer pricing.

17. MCI Telecommunications Corporation (MCI) points out that no matter what the Commission adopts, "apparently AT&T will ignore any Commission action resulting from this proceeding." Reply, p. 2. The FCC "must resist AT&T's attempt to steamroll it into actions that clearly benefit AT&T and AT&T alone * * * [N]o new policies should be adopted in this docket at this time." MCI Reply, p. 3. The FCC did not adopt an allocation procedure for premium access in the Access Charge Order. MCI argues that adopting on here would be proposing a new policy despite the FCC's statement in the *Notice* that no new policies are being adopted here. MCI urges the FCC to first decide the size and components of the premium access charge on reconsideration in CC Docket No. 78-72 and thereafter seek public comment on the method of its allocation between MTS and WATS.

18. MCI wants the FCC to scrutinize AT&T's earnings ratios to minimize cross-subsidies despite AT&T's arguments that uncertainty over the outcome of the cost allocation process

should cause the FCC to use a "permissible zone of reasonableness." Not only should the FCC strictly enforce the ICAM requirements now but MCI suggests that the FCC develop a cost manual for exchange communication in the future. Finally, MCI argues against institution of any proceeding looking toward deregulation of AT&T's basic transmission services.

19. In its reply, GTE Sprint objects to the AT&T proposal for continued use of message minute miles to allocate Interexchange Central Office Equipment. GTE Sprint believes that the number of circuits dedicated to MTS and WATS at the peak period should be used as a means of allocation. It also argues for a separate cost allocation manual for the Bell Operating Companies (BOCs), and claims that AT&T's market power in the interexchange industry makes a cost allocation manual necessary for the future.

20. AT&T, in its reply, begins by noting the similarity between its position and that of GTE Sprint concerning allocation of the premium access charge. It disagrees with GTE Sprint's proposal to include a distance factor in the allocation of common and dedicated transport expenses. AT&T argues that this is an unnecessary complication and the bills rendered to AT&T will not identify common or dedicated access by reporting category. AT&T could do this after the fact, but it would be complex. Besides, these costs will be "only about four percent of total reporting category costs in 1984" according to AT&T.

21. AT&T interprets the ICAM provision for billing and collection services costs to mean that these expenses should be directly assigned to the categories identified for AT&T by the exchange carriers (i.e., MTS, WATS, or private line). AT&T believes this answers GTE Sprint's objection concerning that access expense element. As for transitional surcharges, AT&T claims that it interprets the proposed ICAM language consistently with GTE Sprint's suggestion.

22. As for the Networks, AT&T alleges that they want a new reporting category for program transmission services. AT&T declares that the FCC rejected this approach before and that the questions raised by the Networks are better addressed in individual tariff filings and not the ICAM.

23. AT&T's reply says the SBs suggestion concerning time-of-day reporting should be rejected because it would contribute nothing to ICAM's purpose as a regulatory tool. AT&T dismisses SBS's suggestion concerning

the parenthetical reporting of "actual" premium access expenses, noting that the ICAM deals only with actual amounts paid.

24. AT&T agrees with the Committee's recommendations dealing with LS-1 and LS-2 access facilities. On the other hand, AT&T faults the Committee's proposal to disaggregate dedicated Transport to distinguish between interface and conditioning costs that may apply differentially to MTS and WATS. This is inappropriate, AT&T asserts, because dedicated Transport facilities will be shared by MTS and WATS and no interface or conditioning costs in the dedicated Transport element will be associated only with MTS or WATS. AT&T also argues that the Committee's suggestion to segregate private line special access by individual types of private lines should be rejected because disaggregation below the broad private line category is inconsistent with the intent and structure of the ICAM.

25. With respect to the Committee's arguments regarding General Services and Licenses, AT&T observes that it will "disaggregate these amounts into categories based on directly incurred expenses and investments in a manner similar to the current procedure." AT&T Reply, p. 13. AT&T asserts, though, that it is premature to propose a detailed list of new categories which reflect the divestiture. AT&T believes that the proposed language gives it the flexibility to handle this problem, writes AT&T.

Discussion

1. Investments and Reserves General Instructions

26. In the Notice, we deleted references to the BOCs to reflect the divestiture of these entities from AT&T. This prompted several questions in the comments. The main issue was the applicability of the ICAM to the divested companies. See the Comments of SBS, for example. MCI also raised the possibility of a future exchange company cost allocation manual.

27. This proceeding is designed for the sole purpose of modifying the ICAM for use by the AT&T interexchange entity. While we recognize that the BOCs will also offer some interstate service, we are not prepared now to promulgate a manual for their interstate services. Persons who believe that such a manual would be desirable may file a petition for rulemaking. Our immediate need is to prepare for the October 1983 tariff filings of AT&T which will reflect the divestiture and the institution of interstate access charges.³

³ MCI stated that an exchange manual should be developed at some time next year. We will handle

Reporting Categories

28. AT&T argues against the new category for "Exchange Contract Services to Divested Companies" which we proposed in the Notice. AT&T claims that none of the costs will be in the interstate rate base and that the revenues and costs associated with these will be accounted for separately, thus meeting the FCC's information needs for monitoring these relationships. See comment summaries above.

29. It appears likely that most AT&T revenues from such contract services relating to regulated operations will be intrastate revenues. If this is the case, we do not need a separate reporting category in the ICAM for exchange contract services. The separate accounting for these services by AT&T will allow for our review of these agreements as we now understand them. We note that our staff is now examining these sharing arrangements in connection with the divestiture-related Section 214 proceeding.⁴ We will not require AT&T to report these as a separate ICAM category at this time. If we determine after further investigation of the post-divestiture arrangements that separate reporting is required, we will act to change the ICAM.

30. GTE Sprint and AT&T have both commented on the proposed change in the allocation of interexchange COE circuit equipment. We proposed that this investment would be allocated on the basis of the allocation of interexchange circuits rather than message minute-miles. GTE Sprint supports the change with the understanding that the relative number of circuits assigned to each service would be determined at the peak. AT&T claims that the change could not be implemented because there is no way to differentiate between MTS and WATS interexchange circuits.

31. The proposed change in the allocation of the interexchange COE circuit equipment has certain appeal from the standpoint that circuit equipment costs should be related to (and allocated according to) the assignment of those circuits to specific uses to provide certain services. For the purposes of this proceeding, we will accept AT&T's statement that there is no method to differentiate between the MTS and WATS circuits. However, further changes in the ICAM may be necessary in the future. We reserve the

that question if and when the MIC a petition seeking such action.

⁴ See the letter from the Chief of the Common Carrier Bureau to Alfred Green of AT&T dated July 8, 1983, p. 2.

right to revisit this issue and pursue the use of surrogate measures at that time.

32. References to the allocation of certain BOC switchboard investment were deleted in the *Notice* with the idea that AT&T would not do its own billing. AT&T observes that some switchboards will be transferred from the BOCs to AT&T whether AT&T does it own billing or not. We agree that the wording should be restored to account for the transferred switchboards which were originally covered under that wording in the *ICAM*. AT&T also notes that the deletion of references to the BOCs left only references to Long Lines in this section of the *ICAM*. This wording change apparently will exclude certain interstate costs which will reside in the AT&T interexchange companies (IXCs). These IXCs, according to AT&T, "will be formed to receive the BOC interLATA services." Besides omitting certain costs, the deletion of specific BOC or Long Line references also misallocates certain investments. For example, deleting the reference to Long Lines message switchboard investment, which is used to provide overseas MTS, inadvertently would have the effect of allocating all interstate message switchboard investment to MTS, even that used for WATS. This was certainly not the effect we wanted to achieve. We will adopt the specific language changes proposed by AT&T to remedy this oversight.

II. Allocation of Access Expenses

33. Since we issued the *Notice* in this proceeding, we have reconsidered the access charge decision set out in the *Third Report and Order* in CC Docket 78-72. While many changes were made on reconsideration, certain ones are especially relevant to this revision of the *ICAM*. First, we have changed the nature of the premium access charge. Our original proposal would have levied a \$1.4 billion premium on AT&T. In *Access Reconsideration*, we have determined that the premium access amount will be implemented on the basis of a per minute differential in Carrier Common Line charges between AT&T* and Other Common Carriers. By accounting for premium access in this way, there is no longer a discrete premium amount which must be allocated among AT&T's services. Therefore, no further action is required for purposes of the *ICAM* except to delete the premium access charge as a separate expense category. All Carrier

Common Line expenses will be allocated to AT&T services on the basis of relative access minutes.* We are also eliminating the assignment of the Operator Assistance charges because that rate element has been eliminated in the *Reconsideration Order*.³ The *Access Reconsideration Order* also creates a category called "Coinless Pay Phones" for which a rule of allocation has to be developed. We understand that these phones are used almost exclusively for MTS calls. For the purposes of the October filing, we will have AT&T allocate this access expense exclusively to MTS because of the nature of the use of these coinless pay phones.

34. It will also be necessary to apportion the Special Access surcharges, which have been created by the *Access Reconsideration Order*, between the Private Line and WATS categories. This does not present a difficult problem because such surcharges will be assessed to a private line or a WATS access line and can be directly assigned to those categories.

35. Now we turn to specific suggestions made by the parties concerning various aspects of access expense allocation. The Networks have proposed that we create a new access category for program transmission in the access reconsideration. We did not create such a category on reconsideration. Alternatively, the Networks asked that we create a new *ICAM* category for program transmission if no separate access category is established. We reject this request. The *ICAM* is intended to reflect broad service categories. Any subdivision of the private line category such as that proposed by the Networks can be considered when we conduct further proceedings to determine whether a different Manual would be appropriate for the long run. This is not the proceeding in which to make such a determination.

* In *Access Reconsideration*, we have defined "access minutes of use" as the usage attributable to interexchange carriers for the purpose of calculating chargeable usage. In connection with the originator of an interstate foreign call, usage is to be charged from the time the originating end user's call is delivered by the telephone company and acknowledged as received by the interexchange carrier's facilities in the originating exchange area. In connection with the terminator of an interstate or foreign call, usage is to be charged from the time the call is received by the end user in the terminating exchange. Timing of usage at both the originating or terminating end of an interstate or foreign call shall terminate when the calling or called party disconnects, whichever event is first recognized in the originating and terminating exchanges.

³ The merger of the Dedicated Access Line and Special Access elements does not require any change in the apportionment of AT&T Special Access expense.

36. GTE Sprint argues that the proposed allocation of common and dedicated transport expenses does not conform with the access charge scheme because the proposed *ICAM* rule does not account for the distance weighting used in the development of the transport charges. While GTE Sprint's point is well taken, we must point out that it is unlikely that bills from local exchange carriers will specify this distance information. While the exchange carriers will use such information in developing their tariffed access charges, we have no requirement that they identify the transport billings by *ICAM* categories. We did not institute such a requirement because the exchange carriers cannot identify the service nature of the traffic being carried over what are truly "common" lines. However, if an appropriate, easier method can be suggested for the allocation of this expense, we will consider such a change for the future.

37. The GTE Sprint objection to what it characterizes as the "obscure language" directing the allocation of the "billing and collection" element is unfounded. If exchange carriers perform billing for MTS and WATS or MTS, WATS and private line, we understand that access charges for each will be separately stated where possible. Therefore, such expenses can be directly assigned to each category.* The cause of confusion here or any suggested method of correcting it is not immediately apparent from the GTE Sprint presentation.

38. GTE Sprint also requests that the transitional surcharge allocation be made more specific and directly allocated according to the percentages of credit card, collect calls and 800 Service to AT&T's respective service categories. The *Access Reconsideration Order* eliminates those surcharges and therefore GTE Sprint's arguments on this point are moot.

39. The Committee made a recommendation for changes to the local switching 1 (LS-1) and local switching 2 (LS-2) elements. It observes that, unlike the current situation, future "MTS" offerings might use line side connections and future "private line" offerings might use trunk side connections. Such offerings would require changes in the proposed methods of allocation. LS-1 for example is allocated only to private line today because the only AT&T service using them is private line. Such contingencies conceivably might

* In the event that the access charges are not separately stated, they will be allocated as expressly stated in the *ICAM*.

* The differential applies to users of certain services. For the purpose of the *ICAM*, we are concerned with the differential that applies to AT&T's services.

warrant changes in access charge classifications at some point in the future, but these suggested changes would not be consistent with the access charge rules as modified in the Reconsideration Order. Therefore, we are not adopting those suggestions.

40. The Committee's suggestions for (1) Disaggregating the Dedicated Transport element, (2) Segregating Special Access WATS and private line and (3) Segregating the Special Access Costs of individual types of private line are inappropriate here. The first two recommendations are topics for consideration in the formulation of access categories, not the allocation of already aggregated expenses. The third suggestion is appropriate for the tariff process. These revisions to the *ICAM* are concerned with the broad, existing categories. Future disaggregation may be desirable, but for now we leave this to future proceedings.

41. AT&T also notes that the definition of minutes of use in footnote 2 on page 3 of the Manual should only apply to carrier common line; that is, the computation of minutes of use which counts only openend WATS. We are deleting that footnote because changes in the access charge rules adopted in the Reconsideration Order provide the necessary clarification.

42. AT&T further says that Dedicated Transport can apply to private line as well as MTS and WATS. That statement is incorrect. Private line facilities that perform a parallel function are classified as Special Access under the access charge rules. Therefore, we reject the proposed revision.

43. While the nature of the premium access charge has changed, we recognize that there is still concern over the ultimate relative allocation of MTS and WATS costs. The *ICAM* methodology has yet to be tested in the divestiture and access environment. It is conceivable that the procedures that were adequate during relatively stable periods may not easily adapt to the new industry structure and associated changes in the way interstate costs are incurred. Consequently, until we are provided with concrete information about the effects this methodology has on service category costs, and particularly on rates, we shall keep an open mind about the suitability of these procedures and, more generally, the future of *ICAM* as a regulatory tool. For purposes of its October tariff filings, should AT&T find that application of the Manual will cause unacceptable delay in preparing tariffs, or produce distorted results or undesirable rate impacts as it learns more about the cost shifts associated with divestiture and access

charges, it may wish to seek a waiver of the Manual or the earnings equalization requirement. Of course, other parties are not precluded from petitioning this Commission to voice their concerns.

III. Expenses Not Related to Access and Income—Description of FDC Methodologies

44. In the Notice, we deleted many portions of this final section of the *ICAM* which in our view at that time would not apply to AT&T after divestiture. There are some which should not have been deleted, and at AT&T's suggestion we are restoring them. The major deletion of the methods for allocation General Services and Licenses was criticized by the Committee. We proposed to delete dozens of very specific allocation rules and replace them with a general instruction which would have indirectly allocated these expenses to the categories in the same way as directly incurred expenses. We did not mean to reduce the specificity of the allocations, only to give AT&T the opportunity to provide such a listing which reflects those activities which are actually undertaken at the time it files rates and in the June reports. We agree with the Committee that such detail is important. We will retain the language proposed in the Notice in view of AT&T's statement in its replies that "Any annual FDC reports filed by AT&T allocating GS&L expenses will disaggregate those amounts into categories based on directly incurred expenses and investments in a manner similar to the current procedure." If AT&T's filings do not contain sufficient detail, we can amend the *ICAM* at a later date to require more detail.

Other Matters

45. There are some suggestions made in the comments which we have not addressed yet. SBS recommended that time-of-day data be developed in the *ICAM*. This suggestion is inappropriate to our limited purposes of updating the *ICAM* to reflect access charges and the divestiture. For this reason, we reject the suggestion. SBS also stated that we should not anticipate Joint Board actions in this item. MCI also said that changes to the *ICAM* are premature until the premium access question is settled. The changes which we are making in the Manual will make it consistent with access charges and the AT&T divestiture. We believe these changes are appropriate and necessary to permit timely filing of access charges. As a final matter, AT&T has argued for an end to *ICAM* after 1984 and also begins making a case for deregulation. Whether

such arguments are valid or not, they do not fit into the narrow focus of this proceeding and, therefore, merit no further discussion.

46. Accordingly, it is hereby ordered, pursuant to 47 U.S.C. 154(j), 154(j) and 201-205, That the AT&T Cost Allocation Manual is amended as noted above and in the attachment to this order, effective August 22, 1983.

Secs. 4, 303, 48 Stat., as amended, 1066, 1082, 47 U.S.C. 154, 303.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Cost Allocation Manual

This manual contains general instructions for allocating the annual interstate investment and expense costs less any amounts for exchange contract services to divested companies to the following reporting categories for AT&T.

Private Line
Message Telecommunications Service (MTS)

Outward WATS and 800 Service (collectively, WATS)

For each of the reporting categories, an earnings ratio will be developed according to this formula:

$$\text{Earnings Ratio} = \frac{\text{Revenues minus expenses and taxes}}{\text{Gross investment minus reserves}}$$

These earnings ratios, plus supporting documents, will be filed with the Commission during June following the reporting year ("central submission"). These earnings ratios will be subject to final interpretation by the Commission.

The process for making changes to this manual shall be determined by the Chief, Common Carrier Bureau. Minor changes (such as changes in account names) may be made providing these changes are approved by the Chief, Common Carrier Bureau prior to filing of the central submission. Substantive changes, which may be requested by any party, will require appropriate procedures.

I. Investments and Reserves

Instructions in this section are to be used to allocate interstate investments and reserves to the reporting categories.

A. General Instructions

Using Jurisdictional Separations Process (JSP) data, principles and AT&T accounting records, investment and

reserves for the company and any wholly owned carrier subsidiaries will be divided between private line and message categories. Message investments will be grouped into interexchange and "other" categories to be used in further allocation to MTS and WATS. Those portions of investment associated with the switching function will be allocated separately as described below.

B. Reporting Categories

Private Line

This category contains investments and reserves associated with private line services.

MTS and WATS

Investment and reserve amounts for the message category, as developed above, will be allocated to MTS and WATS. Message telephone plant (defined here as Account 100.1 less private line investment, land, buildings, furniture and office equipment, and vehicles and other work equipment) will be identified. Interexchange Toll Dial Switching and Switchboard investment

will also be separately identified. Interexchange outside plant and COE amounts will be allocated between MTS and WATS based on network message minute miles. Toll Dial Switching investment will be allocated on the basis of switched message minutes. The determination of investment in the various switchboard types will be based on JSP data. Investment in overseas/international message switchboards will be directly assigned to the MTS reporting category. Investment in switchboards used to provide 800 Service information will be assigned to the WATS category. Investment in other switchboards will be identified as serving billed or non-billed messages, using traffic unit data. Investment serving billed messages will be allocated between MTS and WATS based on the relative number of MTS and WATS messages served by such investment. Investment serving non-billed messages will be allocated based on the relative number of total MTS and Outward WATS messages. International satellite associated earth station

investment (Account 100.5) and its associated depreciation and amortization account (Account 175) will be allocated on the basis of international satellite rents.

Interexchange, international satellite and switching telephone plant developed separately for MTS and WATS will be added together to form total message telephone plant amounts for MTS and WATS. The percentage which MTS and WATS telephone plant each makes of total message plant (as defined above) will be used as a distributive ratio to allocate all remaining investment ("other") and reserve accounts between MTS and WATS.¹

¹ Included in these remaining investment and reserves portions are the following accounts: Land and Buildings; Furniture and Office Equipment; Vehicles and Other Work Equipment; Telephone Plant Under Construction; Property Held For Future Telephone Use; Materials and Supplies; Customer Deposits; Organization, Franchise and Patent Rights; Depreciation Reserve and Accumulated Deferred Income Tax Reserve; Amortization Reserve; and Cash Working Capital.

II. Allocation of Access Expenses

Procedures in this section are used to allocate the expenses associated with payments to local exchange carriers for access to their local facilities. The allocation of all other expense accounts is contained in Section III, below. "Private line" use referred to in categories allocated directly or indirectly among MTS, WATS and private line on a message or minute basis means FX, CCSA, SCAN and CCSA equivalent Open End traffic.

Access expense	Allocation procedures
General Common Line Usage	Apportion among MTS, WATS and Private Line on the basis of the relative access minutes attributed to each category for purposes of such access charge billings.
Line Termination	Apportion among MTS, WATS and Private Line on the basis of the relative access minutes attributed to each category for purposes of such access charge billings.
Local Switching 1	Assign to the Private Line category.
Local Switching 2	Apportion between MTS and WATS in the same proportions as Line Termination charges apportioned to such categories.
Intercept	Apportion among MTS, WATS and Private Line in the same proportions as Line Termination charges apportioned to such categories.
Information	Assign to MTS and WATS on the basis of the relative proportion of total MTS and OUTWATS calls.
Common Transport	Apportion among MTS, WATS and Private Line on the basis of the relative access minutes attributed to each such category for purposes of such access charge billings.
Dedicated Transport	Apportion between MTS and WATS in the same proportions as Line Termination charges apportioned to such categories.
Special Access	Apportion between WATS and Private Line in the same proportions as such access charge billings attributed to each category.
Billing and Collection	Apportion among MTS, WATS and Private Line in proportion to access charge billings attributed to each category.
Concess Pay Phone	Assign to MTS.
Special Access Surcharge	Assign to WATS or Private Line on the basis of the lines assessed.

III. Expenses Not Related to Access and Income—Description of FDC Methodologies

Procedures in this section are to be used to distribute all interstate expenses not related to access expenses (600 series accounts) and income to the reporting categories. Expenses are directly assigned where applicable or allocated on the basis of the procedures described below. Certain accounts are allocated on the basis of "total attributable expenses." This factor represents each reporting category's percentage share of expenses derived through direct assignment and allocation procedures (except local, state and federal income taxes).

EXPENSES AND REVENUES—FDC METHODS

Operating expense accounts	Allocation procedures
602.1-602.6 Repairs of Outside Plant (OSP)	Allocate to reporting categories based on associated OSP in service (Accounts 241 through 244). Allocate maintenance of overseas facilities to reporting categories based on the number of associated circuits in service.

EXPENSES AND REVENUES—FDC METHODS—Continued

Operating expense accounts	Allocation procedures
603-02 Service Order Testing	Directly assign the portion identified in JSP data as Private Line to the Private Line reporting category. Allocate amounts identified in the JSP as Message Interexchange to the MTS and WATS categories based on the distribution of outside plant and interexchange central office plant in service.
603-04 Trunk Testing	Allocate circuit testing to reporting categories using an analysis of reported testing hours. Overseas testing allocated to reporting categories based on number of circuits in service. Allocate facilities testing to reporting categories based on associated interexchange (IX) OSP and COE plant in service, excluding overseas.
604 COE Repairs	Directly assign the Service Engineering portions of Account 604 to the private line reporting category. Directly assign No. 4ESS international generic program costs to MTS. Allocate the circuit rearrangements and change portions of Account 604-07 and Account 604-08 (less Service Engineering) to reporting categories based on number of IX circuit sections. Allocate overseas facility terminal equipment maintenance to reporting categories based on associated number of circuits.
605 Station Equipment Maintenance	Allocate the remainder of Account 604 to reporting categories based on associated COE plant in service. Allocate Account 605 to reporting categories based on station equipment plant in service (Accounts 231, 232 and 234).
606 Buildings and Grounds	Allocate to reporting categories based on investment in buildings.
610 Maintaining Transmission Power	Allocate to reporting categories based on COE plant (Account 221) separately for domestic and overseas.
612 Other Maintenance	Allocate to reporting categories based on combined Accounts 602 through 606 and 610. Allocate Accounts 621-231 (network administration staff) to reporting categories based on the combined attribution of Accounts 624-222, -622 and -722. Allocate the remainder (training and other staff) of Account 621-03 based on the combined attribution of Accounts 621-231, -331 and -431.
608 Depreciation	Allocate to reporting categories based on the depreciable classes of plant in service using applicable depreciation rates. (Ocean cable depreciation is allocated separately based on the ocean plant in service in each category.) Allocate to reporting categories based on special analysis of accounting records.
609 Extraordinary requirements	Allocate to reporting categories based on total attributable expenses.
613 Amortization of Intangible Property	Directly assign to reporting categories based on special analysis of accounting records.
614 Amortization of Plant Acquisition Adjustments	Allocate to reporting categories based on Account 624 less 624-22 and 624-25.
621-01 General Traffic Supervision (Except Accounts 621-311 and 316)	Allocate to reporting categories based on Account 624 less 624-22 and 624-25.
621-311/316/05, 622-02/03, 624-25/629-08, 631-38 and 631-48 Business Services	Allocate to reporting categories using data from a Business Service time reporting system.
621-03, 624-22, 629-07, 631-37/47 Network Administration	Allocate Accounts 621-431, 624-222, 624-422 and 624-622 (switching and line and number administration) to reporting categories based on toll dial switching equipment plant in service. Allocate Accounts 621-331 and 624-322 (traffic load data administration) to reporting categories based on toll dial switching and switched services IX central office equipment and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant. Allocate Accounts 624-722 (Trunk Administration) to reporting categories based on switched services IX central office equipment plant and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant. Allocate Accounts 621-231 (network administration staff) to reporting categories based on the combined attribution of Accounts 624-222, -622 and -722. Allocate the remainder (training and other staff) of Account 621-03 based on the combined attribution of Accounts 621-231, -331 and -431. Allocate the remainder (supervision, training and other) of Accounts 624-22, 629-07, 631-37 and 631-47 based on the combined attribution of Accounts 624-222, -322, -422, -622 and -722.
622-01 Service Observing	Allocate to reporting categories based on Account 624 less 624-22 and 624-25.
624 (Except Accounts 624-22 and 624-25), Operators Wages less Network Administration and Business Services	Directly assign Private Line and overseas/international expenses to Private Line and MTS. Directly assign expenses incurred at 800 Service Switchboards to WATS. Determine expenses incurred at other switchboards associated with billed messages on the basis of traffic units. Allocate expenses associated with billed messages based on the relative number of MTS and WATS messages served by such switchboards. Allocate expenses associated with non-billed messages based on the relative number of total MTS and OUTWATS messages.
626 Rest and Lunch Rooms	Allocate to reporting categories based on Account 624 less 624-22, and 624-25. (Network Administration and Business Service portions of these accounts are treated above).
627 Operator's Employment and Training	Same as Account 626.
629 less -07 and -08 Co Stationery and Printing	Do.
630 Co House Service	Do.
631 less -37, -38, -47 and -48 Miscellaneous Co Expenses	Do.
633 Other	Do.
634 Joint Traffic—Debit	Do.
635 Joint Traffic—Credit	Do.
640 General Commercial Administration	Directly assign Service Management expense to reporting categories. Allocate remainder of Account 640 to service categories based on Account 643 for Long Lines and 645 for IXCs.
642 Advertising	Directly assign Long Distance Residence Sales, Long Distance Business Sales, Long Distance International, Long Distance Public, and Long Distance DIAL-IT to MTS. Allocate remainder based on total attributable expenses.
643 Sales	Allocate to reporting categories using the results from a sales time reporting system.
644 Connecting Company Relations	Allocate to reporting categories based on allocation of Independent Company settlements for interexchange facilities.
645 Commercial Operations	Allocate expenses to reporting categories using results from a work measurement plan and a sales time reporting system.
649 Directory	Allocate to MTS and WATS based on a count of MTS and WATS messages.
650 Other Commercial Expenses	Allocate expenses based on Account 643 for Long Lines and 645 for IXCs.
661 Executive Department	Allocate based on total attributable expenses.
662 Accounting Department	Allocate Revenue Accounting to reporting categories based on analysis of Revenue Accounting Offices. Allocate remainder to reporting categories based on total attributable expenses.
663 Treasury Department	Allocate to reporting categories based on plant in service.
664 Law Department	Directly assign overseas legal expenses to overseas services based on analysis of records. Directly assign outside legal consultant fees and associated costs based on analysis of applicability to a category.
665 Other General Office Salaries and Expenses	Allocate remainder to reporting categories based on total attributable expenses. Allocate Personnel, Account 665-03, to reporting categories based on Maintenance, Traffic, Commercial and Revenue Accounting salaries. Directly assign Service Engineering expenses (Portion of 665-09) to the private line category. Allocate Account 665-29, Customer Services, to categories based on reported hours. Allocate Account 665-149, Central Office Planning and Engineering, based on toll dial switching equipment plant in service. Allocate remainder based on total attributable expenses.
668-669 Insurance and Accidents and Damages	Allocate to reporting categories based on plant in service.
670 Earth Station Expenses	Allocate to reporting categories based on Account 100.5.
671 Operating Rents	Allocate circuit and miscellaneous rents to reporting categories based on interexchange OSP and Circuit equipment and toll switching equipment plant in service. Allocate rents paid to affiliates to Message and the Private Line reporting category based on number of circuits. Message rents are allocated to MTS and WATS based on number of minutes.

EXPENSES AND REVENUES—FDC METHODS—Continued

Operating expense accounts	Allocation procedures
	Directly assign international satellite rents incurred for services that can only be provided on satellite facilities directly to reporting categories. Allocate remaining international satellite rents to reporting categories based on total international voice-grade circuits in use.
	Allocate domestic satellite rents to reporting categories based on domestic satellite circuits in use.
	Allocate building space rents to reporting categories based on the combined Accounts 643, 645 and Revenue Accounting portion of 662.
672 Relief and Pensions	Allocate to reporting categories based on Maintenance, Traffic, Commercial, and Revenue Accounting Salaries.
673 Telephone Franchise Requirement (dr)	Allocate based on the total investment in Account 100.1.
674 and 691 General Services and Licenses	Payment for services rendered by an affiliated company shall be assigned to expense categories in the same manner as expenses that are incurred directly by AT&T or a carrier subsidiary and shall be apportioned in the same manner as such directly incurred expenses.
675 Other Expenses	Allocate to reporting categories based on plant in service.
676 Telephone Franchise Requirements (cr)	Allocate based on the total investment in Account 100.1.
677 Expenses Charged Construction (cr)	Same as Account 675.

INCOME ACCOUNTS—FDC METHODS SUBSECTION

Income accounts	Allocation procedures
Gross Service Revenues (Accounts 510-516)	Directly assign to reporting categories based on accounting records.
Earth Station Revenue (Account 522)	Allocate to reporting categories based on the allocation of international satellite rent expense.
Directory Advertising and Sales	Directly assign to MTS.
Rent Revenues (Account 524)	Directly assign to reporting categories based on accounting records.
Other Operating Revenues (Account 526)	Allocate to reporting categories based on gross revenues (Accounts 510-526) less Account 526.
Uncollectibles (Account 530)	Allocate to reporting categories based on an analysis of accounting records.
Independent Company and Foreign Settlements	Allocate based on revenue account charged.
Miscellaneous Income Charges (Account 523)	Allocate based on plant in service (Account 100.1).
Interest on Customer Deposits	Allocate based on total investment in Account 100.1.

TAXES—FDC METHODS

Type of tax	Allocation procedures
Gross Receipts Taxes	Allocate based on the allocation of reporting category revenues.
Social Security Taxes (Account 307-05)	Allocate based on the apportionment of Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
Ad Valorem Taxes (Account 307-01)	Allocate based on the allocation of plant in service.
Income Adjustments for Income Tax Determination	Allocate depreciation of capitalized items, Relief and Pensions, and Social Security Taxes capitalized based on plant in service.
State and Local Income Taxes (Account 307-02)	Allocate Operating Fixed Charges based on the allocation of net investment.
Amortization of Investment Credits	Allocate the actual tax incurred based on the state and local taxable income for each reporting category (net revenue less expenses, income charges, taxes excluding Federal Income Taxes, and income adjustments).
Federal Income Tax	Allocate based on the allocation of plant in service.
	Allocate to reporting categories by multiplying the statutory rate times the Federal taxable income for each reporting category (net revenue less expenses, income charges, other taxes, and income adjustments).

FR Doc. 83-24759 Filed 9-13-83; 8:45 am

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 48, No. 178

Tuesday, September 13, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Fiber and Processing Tests, Revision of Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to revise certain fees for performing cotton fiber and processing tests. This action would be taken in order to reflect increased costs of providing the testing services.

DATE: Comments must be received on or before October 13, 1983.

ADDRESS: Written comments to: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, (202) 447-2167.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and has been determined not to be a "major rule" since it does not meet the criteria for a major regulatory action as stated in the Order. William T. Manley, Deputy Administrator, AMS, has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because: (1) The fees proposed in this document are not new and merely reflect minimal increases of some of the costs currently borne by those entities utilizing the testing services; (2) the amount of the proposed increase in fees is too small to

have a significant impact; (3) the proposed elimination of minimum fees for some of the tests offered will have a salutary effect on small entities; (4) the use of the services is voluntary; (5) and, if there is any impact, the Secretary has been directed to recover the costs of such service from users of the service.

Since all of these services are directly related to the marketing and utilization of cotton, it is desirable that all fee increases have a uniform effective date. If adopted, an effective date for the fees of October 15, 1983, is anticipated. In view of this and the limited number of test items affected, a thirty day comment period is deemed adequate.

Background. Cotton testing services are provided by a USDA laboratory in Clemson, S.C., under the authority of the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471-476). The tests are available upon request to private sources on a fee basis. The Cotton Service Testing Amendment (7 U.S.C. 473d) specifies that the fees for the services shall be reasonable, and, as nearly as may be, cover the costs of rendering the services.

Fees. During FY 1983 to date, 52,000 cotton fiber and processing tests have been performed for private sources. A recently conducted in-depth analysis of the costs of providing the testing services showed that because of increased costs for materials and supplies used in conducting the tests as well as the applicable surface and air delivery rates to furnish cotton samples the costs of performing certain tests have increased since the last fee review in 1982 and general fee increase of October, 1982. As a result, the Department proposes to increase fees for the following fiber and processing tests items listed in section 28.956: 1.0, 2.0, 3.0, 3.1, 3.2, 7.0, 19.0, 20.2, 20.3, 22.0, and 25.0.

The Department does not propose to increase at this time the fees for the other test items because the costs of performing these tests have not increased appreciably since the last fee review.

At present, the Department conducts a micronaire test based on two samples.

To reduce the costs of this service, the Department is proposing to add a micronaire test based on one specimen per sample. In addition, the Department is proposing to add a miniature carded cotton spinning test because the Agricultural Research Service no longer provides this service. Both of these tests would be added to the list of fiber and processing tests contained in section 28.956.

The Department also proposes to delete from the test listing the minimum fees for the following items in § 28.956: 4.0, 4.1, 5.1, 5.2, 5.3, 7.0, 19.0, 22.0 and 25.0. Due to increased computerization and improved billing procedures, it has been determined that minimum fees are no longer necessary for the preceding test items. A minimum fee will continue to be needed for certain other tests requiring the mixing of chemical solutions for batch processing. Specifically, these are items 6.0, 27.0, and 29.0 in section 28.956. AMS will continue to review this program so as to maintain its cost effectiveness.

Minor non-substantive changes in the language describing certain tests are also proposed. Specifically, revised working is proposed for items 1.0, 2.0, 7.0 and 19.0.

Lists of Subjects in 7 CFR Part 28

Cotton, Samples, Standards, Cotton linters grades, Staples, Market news, Testing.

Accordingly, it is proposed to amend the cotton testing regulations in Subpart E, Part 28, of Chapter 1, Title 7 of the Code of Federal Regulations as shown.

1. The authority citation for Part 28, Subpart E reads as follows:

Authority: Sec. 3c, 50 Stat. 62 (7 U.S.C. 473c); sec. 3d, 55 Stat. 131 (7 U.S.C. 473d).

2. Section 28.956 would be amended by revising the entry for item numbers 1.0, 2.0, 3.0, 3.1, 3.2, 4.0, 4.1, 5.1, 5.2, 5.3, 7.0, 19.0, 20.2, 20.3, 22.0, and 25.0, and § 28.956 would be further amended by adding entries to be numbered items 7.1 and 14.1 to read as follows:

§ 28.956 Prescribed fees.

* * * * *

Item
No.

Kind of test

Fee
per
unit

1.0 Furnishing USDA calibration cotton in the short medium, long and extra long staple lengths including standard values for length by both array and Fibrograph methods, strength at 1/8-inch gage, and maturity and fineness by the Cauticaire methods.

Item No.	Kind of test	Fee per test
	a. By surface delivery, 1-lb. sample	\$18.00
	b. By air delivery within the U.S., 1-lb. sample	21.00
	c. By air delivery outside the U.S., 1-lb. sample	26.00
20	Furnishing international calibration cotton standards with standard values for micronaire reading and fiber strength at zero and 1/4-inch gage and Fibrograph length:	
	a. By surface delivery, 1/2-lb. sample	13.00
	b. By air delivery within the U.S., 1/2-lb. sample	15.00
	c. By air delivery outside the U.S., 1/2-lb. sample	19.00
21	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each 1/4-inch group, average length and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	60.00
	b. Cotton combor noils, per sample	90.00
	c. Other cotton wastes, per sample	110.00
22	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each 1/4-inch group, average length, and average length variability as based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	45.00
	b. Cotton combor noils, per sample	85.00
	c. Other cotton wastes, per sample	85.00
23	Fiber array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers 1/4-inch and longer by weight, the average of fibers shorter than 1/4-inch by weight, average length, and average length variability as based on 3 specimens from each sample, per sample	105.00
24	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and length uniformity as based on 4 specimens from a blended sample, per sample	7.00
25	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 2 specimens from each unblended sample, per sample	4.50
26	Pressley strength of ginned cotton lint by flat bundle method for either zero or 1/4-inch gage as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample	7.50
27	Pressley strength of ginned cotton lint by flat bundle method for either zero or 1/4-inch gage as specified by applicant. Reporting the strength as based on 2 specimens for each unblended sample, per sample	4.50
28	Stielometer strength and elongation of ginned cotton lint by the flat bundle method for 1/4-inch gage. Reporting the average strength and elongation as based on 6 specimens from a blended sample, per sample	7.50
29	Stielometer strength and elongation of ginned cotton lint by the flat bundle method for 1/4-inch gage. Reporting the average strength and elongation as based on 2 specimens from each unblended sample, per sample	4.50
30	Micronaire readings on ginned lint. Reporting the micronaire based on 2 specimens, per sample	50
31	Micronaire reading based on 1 specimen, per sample	25
32	Miniature carded cotton spinning test. Reporting data on tenacity (centinewtons per tex) of 22's yarn. Based on the processing of 50 grams of cotton in accordance with special procedures, per sample	25.00
33	Color of ginned cotton lint. Reporting data on the reflectance and yellowness in terms of Rd and b values as based on the Nickerson-Hunter Cotton Colorimeter on samples which measure 5x6 1/4 inches and weigh approximately 50 grams, per sample	1.00
34	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson-Hunter Cotton Colorimeter, per box	20.00
35	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box	10.00
36	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley-Analyzer separation of lint and foreign matter:	
	a. For samples of ginned lint or combor noils, per 100-gram specimen	7.00
	b. For samples of ginning and processing wastes other than combor noils, per 100-gram specimen	12.00
37	High Volume Instrument (HVI) Measurements. Reporting micronaire, length, length uniformity, 1/4-inch gauge strength, color and trash content. Based on a 6 oz. (170 g) sample, per sample	1.50

Dated: September 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-24918 Filed 9-12-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Alcohol, Drug Abuse, and Mental Health Administration

21 CFR Part 291

[Docket No. 83N-0249]

Conditions for the Use of Methadone; Intent To Propose Revisions to Regulations and Request for Comments

AGENCY: Food and Drug Administration, Alcohol, Drug Abuse, Mental Health Administration, and National Institute on Drug Abuse.

ACTION: Notice of intent and request for comments.

SUMMARY: The Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA) are requesting comments on: (1) Whether to make the methadone regulations concerning narcotic addiction more flexible to accommodate more readily changes in medical practice while at the same time providing quality care and protecting against illicit diversion; and (2) whether to revise or eliminate the recordkeeping, reporting, and other requirements that may be unnecessary and/or overly burdensome as a result of changes in the state-of-the-art. The agencies will use information received in comments to determine appropriate changes to the methadone regulations.

This action is the result of a retrospective review of the methadone regulations as required by law and by directive of the Office of Management and Budget.

DATE: Comments by November 14, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: The methadone regulations govern the use of methadone in the maintenance and detoxification treatment of narcotic

addicts. These regulations include conditions for the use of methadone and the appropriate methods of professional practice for medical treatment of the narcotic addiction of various classes of addicts (see 21 CFR 291.505).

Under the Regulatory Flexibility Act, the Paper Work Reduction Act of 1980, and Executive Order 12291, FDA is conducting a retrospective review of its existing regulations. The intent of these mandates is to have Federal agencies identify regulations that should be revised or revoked and thus save costs because, for example, they impose unnecessary burdens on the public generally or on specific segments of the public. FDA encouraged public participation in this process by publication of a notice in the *Federal Register* of July 14, 1981 (46 FR 36333) seeking public comment on which regulations were burdensome, and by establishment of agencywide review priorities including incorporation of retrospective review status reports into the agency's regulation planning process.

Although no public comments concerning the methadone regulations were received by FDA as a result of the July 14, 1981 notice, the rapidly evolving state-of-the-art in rehabilitation of narcotic addicts makes it desirable, in FDA's and NIDA's view, to reassess the suitability of the existing methadone regulations to assist in managing the narcotic addiction problem effectively. FDA and NIDA made this decision even though the methadone regulations were reviewed, evaluated, and substantially revised in the *Federal Register* of September 19, 1980 (45 FR 62694) to provide practitioners in treatment programs increased flexibility in treating the narcotic addiction problem with methadone.

FDA established a special Commission on Retrospective Reviews to coordinate the entire review process. Specific review teams were established by the Committee to focus on each major rule to be reviewed. A Methadone Retrospective Review Team was established under this mechanism. The Methadone Retrospective Review Team is composed of members from FDA and NIDA. The Review Team also consulted with the appropriate staff from the Drug Enforcement Administration (DEA).

In early 1983, the Methadone Retrospective Review Team recommended in an interim final report that revision of certain sections of the methadone regulations be considered.

In its revised final report, the review team recommended that sections of the methadone regulations be converted to guidelines with primarily the following

exceptions remaining as regulations: (1) Qualifications for dispensers of methadone to narcotic addicts; (2) take-home standards (e.g., how much methadone could be taken away from treatment centers by patients on an unsupervised basis); and (3) certain admission and patient evaluation criteria and required forms for approval of treatment programs. The following is a general summary of the Methadone Retrospective Review Team Report and Recommendations. The entire report may be seen in FDA's Dockets Management Branch (address above).

General Summary of the Retrospective Review Team Report and Recommendations

1. *Statutory Requirements.* DHHS has the authority under the Narcotic Addict Treatment Act (NATA) (21 U.S.C. 823(g)) to establish standards for practitioners who use narcotic drugs for either maintenance or detoxification treatment of persons dependent upon narcotic drugs and responsibility under that Act to: (1) Determine whether a particular applicant/practitioner is qualified under those standards to engage in such treatment; (2) determine that the applicant/practitioner will comply with standards established by DHHS on the quantities of narcotic drugs that may be provided for unsupervised use by persons in such treatment; and (3) certify annually to DEA the DHHS determinations regarding both (1) and (2) for the purpose of DEA registration of applicant/practitioner.

2. *Current Approach to Handling These Functions.* The so-called practitioner standards under the NATA are the current methadone regulations codified at 21 CFR 291.505. Determination of the qualifications of practitioners is made currently (1) before registration of new programs, by review of applications submitted by sponsor/practitioners, and (2) for existing programs, by on-site inspections by DHHS/FDA of the existing program facilities.

3. *Regulatory Alternatives.* The DHHS responsibilities under the NATA could be carried out in the following manner:

The qualification standards could be in the form of regulations, guidelines (with certain exceptions), or labeling.

Certification regarding determinations on qualifications, to DEA by DHHS could be made after on-site DHHS inspections, determinations made by those States in which the programs are located, or after DHHS paper review of form or request from a practitioner/program.

The enforcement/compliance of the standards for purposes of

recommending revocation of registration by DEA could be made via on-site DHHS inspections or DHHS could have no enforcement/compliance activities and encourage State activity in this area.

4. *Recommendations.* The Review Team's recommendations are summarized as follows:

a. With the exception of the take-home requirements and certain application and admission criteria, the methadone regulations (or standards) should be basically in the form of guidelines.

b. Certification to DEA that the standards are met should be made after an on-site inspection is conducted by DHHS.

c. On-site DHHS inspections should be conducted on an annual basis for each treatment program for purposes of enforcement/compliance of the standards.

In June and July 1983, the Office of Management and Budget (OMB) considered FDA's request for approval of the methadone recordkeeping and reporting requirements included in the forms for treatment programs. Following its review, on July 13, 1983, OMB notified the Department of Health and Human Services (DHHS) that OMB was invoking its authority under 5 CFR 1320.14(f) to require DHHS to initiate proposals for change in the collection of information (i.e., recordkeeping and reporting requirements) in the methadone regulations found at 21 CFR 291.501-291.505. Also on July 13, 1983, under section 3(i) of Executive Order 12291, OMB requested DHHS to review the substantive requirements of the methadone regulations with a view toward eliminating unnecessary requirements (see 48 FR 35668; August 5, 1983).

Accordingly, in addition to considering the changes recommended by the Methadone Retrospective Review Team, FDA will consider whether the reporting and recordkeeping requirements should be revised, and whether the substantive requirements of the regulations should be otherwise modified. Therefore, the primary issues upon which FDA will focus its considerations are:

1. Whether portions of the current methadone regulations can be revised into workable guidelines (rather than all regulations) that will enable practitioners to treat patients more easily in accordance with changes in medical practice and, at the same time, ensure against an increase in diversion.

2. Whether any specific sections of the methadone regulations should not become guidelines.

3. Whether and which of the recordkeeping and reporting requirements should be modified.

4. Whether and which of the other regulatory requirements should be modified.

5. Whether the revisions will affect the quality and level of patient care.

6. Whether modification of the regulations will have a harmful effect on enforcement and compliance programs at the State and local levels in jurisdictions with their own methadone regulations or in jurisdictions that rely only on the Federal regulations.

7. Whether modification of the regulations will have any impact on the diversion of methadone for illicit use.

Interested persons may, on or before November 14, 1983, submit to the Dockets Management Branch (address above) written comments regarding this notice of intent. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 291

Health professions, methadone, reporting and recordkeeping requirements.

Dated: September 8, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

James Lawrence,

Deputy Director, National Institute on Drug Abuse.

[FR Doc. 83-24922 Filed 9-12-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR, Parts 211, 212, and 225

Mining Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: On July 12, 1983, the Bureau of Indian Affairs published new proposed rules and regulations in the Federal Register, 48 FR 31978-31994, which are intended to implement the

Indian Mineral Development Act of 1982 and to revise existing rules and regulations in 25 CFR Part 211 governing the leasing of tribal lands and 25 CFR 212 governing the leasing of allotted lands. In addition, a new Part 225 governing contracts for oil and gas development is proposed. The notice provided that comments on the proposed rulemaking must be received by the Bureau of Indian Affairs no later than September 12, 1983. Subsequent to publication of the proposal in the Federal Register, the Bureau has received numerous letters indicating that, because of the complex nature of the new rules and revisions to existing rules, additional time within which to submit comments should be granted in order to permit more meaningful comment. After considering these requests I have concluded that a 30-day extension of time for the receipt of comments is warranted. Accordingly, comments on the proposed rules will be accepted by the Bureau until the close of business on October 12, 1983.

DATE: Comments on the proposed rulemaking must be received by the close of business on Wednesday, October 12, 1983.

ADDRESS: Comments should be submitted to Program Officer, Division of Energy and Mineral Resources, Bureau of Indian Affairs, 730 Simms Street, Room 239, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: David Baldwin (303) 234-6961.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 83-24850 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-241-81]

Dividend Reinvestment in Stock of Public Utilities; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to reinvestment of dividends in the stock of public utilities.

DATES: The public hearing will be held

on Wednesday, October 5, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Wednesday, September 21, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn CC:LR:T (LR-241-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 305 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Thursday, June 30, 1983, (48 FR 30146).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Wednesday, September 21, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-24826 Filed 9-12-83; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 82-36]

**Publishing and Filing Tariffs by
Common Carriers in Foreign
Commerce; Requirements for Filing
Currency Adjustment Factors
Reflecting Changes in the Exchange
Rate of Tariff Currencies****AGENCY:** Federal Maritime Commission.**ACTION:** Discontinuance of Proceeding.

SUMMARY: By notice published in this proceeding (47 FR 31407-31410, July 20, 1982), the Federal Maritime Commission proposed to amend its rules to provide requirements for filing currency adjustment factors reflecting changes in the exchange rate of tariff currencies. Comments were received from conferences, carriers, and shippers. Upon consideration of these comments the Commission has decided to discontinue this proceeding. The Commission will continue to monitor industry practices and shipper complaints concerning currency

adjustment factors in the foreign trades of the United States.

EFFECTIVE DATE: Effective September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 83-24822 Filed 9-12-83; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register

Vol. 48, No. 178

Tuesday, September 13, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Missouri Soil and Water Conservation Cost-Share Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that payments made to landowners under the Missouri Soil and Water Conservation Cost-Share Program are made primarily for purposes of conserving soil or protecting the environment. This determination, which is made in accordance with Section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Gordell Brown, Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6221.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in Section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment,

improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such conservation program carried out by the State of Missouri is the "Soil and Water Conservation Cost-Share Program" authorized by the Soil and Water Conservation Districts Law, Section 278.060 *et seq.*, Revised Statutes of Missouri 1980. This program is designed to save the soil of Missouri through erosion control and abatement practices. Incentives for installation and maintenance of such practices are provided by cost-share payments from the State funded program. Under the Soil and Water Cost-Share Program, which is administered by the Missouri Soil and Water Districts Commission, State cost-share funds are available only to landowners located in soil and water conservation districts if the districts have agreed to locally administer the program and have executed a memorandum of understanding with the Soil and Water Districts Commission setting forth the terms of the assistance. To be eligible, a landowner must have a conservation plan approved by the district. Cost-share payments are made through the districts to eligible landowners for the satisfactory installation of soil erosion control and abatement practices. Practices eligible for cost-sharing are as follows:

- (1) Establishment of permanent vegetative cover
- (2) Improvement of permanent vegetative cover
- (3) Stripcropping systems
- (4) Terrace systems
- (5) Diversions
- (6) Cropland protective cover
- (7) Permanent vegetative cover on critical areas
- (8) Contour farming
- (9) Reduced tillage systems
- (10) No-till systems
- (11) Filter strips
- (12) Water impoundment reservoirs
- (13) Sediment retention, erosion or water control structures
- (14) Sod waterways
- (15) Special conservation practices

The authorizing legislation, regulations, and operating procedures for the Soil and Water Conservation Cost-Share Program of the State of

Missouri have been carefully examined using the criteria set forth in 7 CFR Part 14. The Department has concluded that the payments made under this soil and water cost-share program are made to provide financial assistance to agricultural landowners in carrying out soil erosion control and abatement practices. A "Record of Decision, Missouri Soil and Water Conservation Cost-Share Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from the Conservation and Environmental Protection Division, ASCS. Requests may be sent to the address listed above.

Determination

It is hereby determined in accordance with Section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made after December 1, 1980 for conservation practices under the Soil and Water Conservation Cost-Share Program of the State of Missouri are made primarily for the purpose of conserving soil or protecting the environment.

Signed at Washington, D.C. on September 7, 1983.

John R. Block,
Secretary of Agriculture.

[FR Doc. 83-24872 Filed 9-12-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Fitness Determination; Precision Valley Aviation, Inc. d.b.a. Precision Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-9-32, Order to Show Cause.

SUMMARY: The Board proposing to find that Precision Valley Aviation, Inc. d.b.a. Precision Airlines is fit, willing and able to provide scheduled passenger service as a commuter under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than September 27, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Jame M. Craun, Chief, Essential Air Services Division II, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, and with all persons listed in Attachment A to the Order.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Essential Air Services Division II, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-9-32 is available from the Distribution Section, Room 100, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 83-9-32 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 7, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-24833 Filed 9-12-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40822; Order 83-9-31]

Air Carrier Rules Governing Failure To Operate on Schedule or Failure To Carry

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of September, 1983.

Order

By order 82-7-18, July 8, 1982, the Board tentatively concluded that Rule 240(G) in the domestic rules tariff, C.A.B. No. 352, and several similar rules in international tariffs, are unlawful and should be cancelled. In general, these rules allow carriers to divert passengers to airports many miles from the destination airport named on their ticket without any obligation to arrange or pay for other transportation to that airport.¹ In Order 82-7-18, the Board

¹ When Order 82-7-18 was issued, United Air Lines, Continental Air Lines, Braniff Airways, Pan American World Airways, Trans World Airways, New York Air, Western Air Lines, American Airlines, and Northwest Airlines participated in Rule 240(G) as described and many of these carriers

cited as a typical example of such a rule one that eliminated the carrier's obligation to ensure transportation to a passenger's ticketed destination airport as follows:²

(i) When the destination designated on the passenger's ticket is:	And the flight on which the passenger is being transported is diverted to:
Baltimore, MD	Washington, D.C. (Dulles).
Baltimore, MD	Washington, D.C. (National).
Fort Lauderdale, FL	Miami, FL.
Los Angeles, CA	Ontario, CA.
Miami, FL	Fort Lauderdale, FL.
Newark, NJ	New York, NY.
New York, NY	Newark, NJ.
Oakland, CA	San Francisco, CA.
Ontario, CA	Los Angeles, CA.
San Francisco, CA	Oakland, CA.
San Jose, CA	San Jose, CA.
Washington, D.C. (Dulles)	Baltimore, MD.
Washington, D.C. (Dulles)	Washington, D.C. (National).
Washington, D.C. (Nat.)	Baltimore, MD.
Washington, D.C. (Nat.)	Washington, D.C. (Dulles).

The Board went on to note that tariff rules such as these effectively bind passengers, without actual notice, to terms that negate what is promised on the ticket, *i.e.*, transportation to a specific airport at a specific price. This circumstance was tentatively found to, be inherently misleading and a violation of, *inter alia*, section 411 of the Act.

The Board tentatively emphasized that its action was meant merely to eliminate the constructive notice afforded such terms under the tariff system and to remove any appearance that they carry the substantive imprimatur of the government. The Board expressly stated in the order that it did not intend its action to interfere with the ability of carriers to establish such terms by normal contractual means.

Objections to the order were filed by the Air Transport Association (ATA), on behalf of 15 of its carrier members,³ and United Air Lines. The ATA claimed that cancellation of domestic rules would interfere with the carrier/consumer contract process and hamper a smooth transition to deregulation. United requested that its Rule 240(G) not be cancelled because it had added a provision to its rule providing for ground transportation to a passenger's original destination airport where a flight is diverted to another airport in the same area.⁴

had similar rules governing international travel. See Appendix to Order 82-7-18.

² Rule 240(G)(23)(a). Exception (11) revised Page 256.

³ ATA's objections were filed on behalf of Alaska Airlines, Inc., American Airlines, Inc., Capitol Air, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Midway Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Republic Airlines, Inc., Western Airlines, Inc., Wein Air Alaska, Inc., and USAir, Inc.

⁴ Rule 240(G)(b). As discussed in more detail below, the cessation of the domestic tariff system

The Aviation Consumer Action Project (ACAP) filed an answer to the objections of United and ATA. ACAP supports the Board's tentative findings that Rule 240(G) and other rules similar in nature are unlawful and should be cancelled. ACAP suggest, in the alternative, that the Board require carriers to amend their tariffs to make clear that they will provide ongoing ground transportation to the destination airport designated on a passenger's ticket.

After careful consideration of these comments, we have concluded that our tentative findings should be made final. Since the domestic tariff system ceased to exist at the end of 1982, our action here affects only tariff rules filed with the Board applicable to foreign air transportation.

ATA admits at the outset that its response does not address the Board's substantive concerns about the tariff rules in question being unfair and deceptive. ATA claims, however, that cancellation of any domestic tariff rule will interfere with the normal development of court review of contract terms and is contrary to deregulation. ATA recommended that the Board not act to cancel any such rule on its own initiative, but act to do so only following a formal complaint and hearing, and only upon finding a "persuasive showing" of an injury that cannot be eliminated by "actual and potential competition."

ATA contends that a finding of unlawfulness would have a chilling effect on a carrier's decision to adopt the terms by normal contractual methods and would improperly influence a court's review of the term. This argument fails to recognize the purpose behind the proposed action. Our tentative finding of unlawfulness was predicated on an essentially procedural defect: the inherent unfairness in binding passengers to a term buried in a tariff that conflicts with what they are told on their ticket. Removal of the term from the tariffs would merely preclude carriers from relying on the legal fiction of constructive notice to bind passengers to unexpected terms. It would not preclude carriers from adopting the term in question through normal bargaining methods, nor would it influence court decisions as to the lawfulness of the term.⁵

effective January 1, 1983, has rendered the issue of whether to cancel unfair or deceptive tariff rules moot insofar as domestic tariffs are concerned.

⁵ Thus, it is apparent that any deterrence ATA speaks of would arise only because a carrier might

Continued

In addition, ATA argues that the proposed cancellations are inappropriate for three reasons: (1) It claims cancellation of any rule, eliminates competition by "depriving carriers which do not follow the rule of the opportunity to offer an alternate, competitive service;" (2) it claims there will be some "residual" effect in litigation of cancelling tariffs; and (3) it claims continued CAB review of individual tariffs until the end of 1982 would prevent an orderly transition to a completely deregulated system.

Although ATA limits its comments to domestic tariffs, which are no longer in existence, we will address them to the extent they are also applicable to tariff rules governing foreign transportation.

Since we have made clear in Order 82-7-18 that a carrier is free to have the rule or not have the rule, the first argument above has no merit in the context of our show cause order. In this respect, in the past we have generally required removal from tariffs of terms found inherently unfair, in order to eliminate the constructive notice which attaches to tariff matter and make clear such terms do not carry the imprimatur of the government. Orders 79-9-129 and 79-12-98; See also Orders 80-5-9 and 81-6-41, which prohibited carriers exempted from the Board's oversales rule from filing different rules in their tariffs.

We have not declared the rules in question unlawful *per se* if the consumer is adequately apprised of them. Whether or not this type of rule is so beyond a passenger's expectation, and therefore so unfair, that it should be prohibited entirely is at issue in EDR- , issued concurrently with this order. ATA and anyone else will have ample opportunity to comment on the question in that rulemaking.

As we pointed out in Order 82-7-18, the tariff rules in question permit carriers to divert passengers to an airport many miles from that at which they expected to arrive and to leave them to their own means and expense in ultimately reaching their destination. It permits, in essence, substantial rather than complete performance of the basic contract terms stated on the face of the ticket. It is misleading for the tariff to negate what the ticket expressly promises, and unfair to bind passengers, through tariff filings, to such unexpected terms affecting the very basis of their

bargain.* We find that tariff provisions such as those described herein, including those listed in the attached Appendix, are unlawful absent adequate notice and therefore should be removed from the tariffs.*

Carriers that accept the basic responsibility for providing ground transportation to the destination airport can continue to file such rules in international tariffs. We recognize that carriers may need some flexibility in meeting this basic responsibility. Failure to accept the basic responsibility for full performance as implied on the ticket, however, cannot be given tariff sanction. We also reject the contention that there will be a residual effect in litigation if such tariff rules are prohibited; the carriers will simply have to comply with accepted contract law requirements.

We further reject ATA's suggestion that we should not act to cancel this rule unless there has been a showing of an injury that cannot be eliminated by competition. Our need to act in section 411 cases is never more clear than here, where it is likely that consumers would have no redress under customary contract or tort law.

Because the domestic tariff system is no longer in effect, the cancellation of the domestic tariff rules that were the subject of Order 82-7-18 is no longer at issue here. However, the basic problem of adequate notice remains. In Part 253, ER-1302, we adopted rules permitting carriers to incorporate terms by reference in their contracts of carriage upon the provision to each passenger of appropriate notice and opportunity to learn of the incorporated terms. Carriers complying with the uniform notice requirements could be assured that the incorporated terms would not be subject to challenge under differing state law notice requirements, although their substantive validity would still be governed by state contract law.

* We also note that at least two carriers have conflicting rules in different international tariffs. In this respect, American Airlines and Western Airlines subscribe to provisions in C.A.B. No. 55, Rule 43, which require ground transportation be given to a passenger whose flight is diverted to another airport in the same metropolitan area as that named on the ticket; however, both carriers also have provisions in C.A.B. No. 376, Rule 95, that allow them to divert a passenger without obligation to arrange or pay for other transportation. Such conflicts are likely to cause confusion and may even be discriminatory. Of course, outside of the tariff system, the enforceability of potentially inconsistent or conflicting contract terms is a matter to be resolved under local law.

* The listing in the Appendix to Order 82-7-18 of the exception to Rule 43(H)(1) in Tariff C.A.B. No. 55, was an error. Since that rule makes clear that ground transportation will be provided, it has been omitted from the list of permissible rules in the Appendix to this Order.

Because we believe that passengers should not be subjected to the unfairness of a rule incorporated into their contract, whether by tariff or otherwise, that negates a fundamental term stated on their ticket, we are issuing contemporaneously herewith a notice of proposed rulemaking in Docket 41683 to remedy the problem.* In that rulemaking, we are offering two proposals. One would amend § 253.7 of our domestic notice rule to require that "conspicuous written notice" as provided for by that section be given passengers of any contract term that at issue here that fails to specifically provide for substitute transportation to a passenger's destination airport. The other proposal asks for comments on the prohibition of such terms entirely if they do not provide for substitute transportation to the destination airport.

Accordingly, 1. The Board finds that the tariff rules listed in the Appendix to this order, and any substantially identical rules found in other tariffs on file with the Board, are unlawful, and we order that they be cancelled effective 60 days from the date of service of this order; no cancelled rule shall be accepted for subsequent filing;

2. This order shall be served on all U.S. certificated carriers and foreign carriers and on all parties filing comments in this docket and shall be published in the Federal Register.

By the Civil Aeronautics Board,

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-24934 Filed 9-12-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Postponement of Preliminary Antidumping Determination; Certain Welded Carbon Steel Pipes and Tubes From Taiwan and the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Antidumping Determinations.

SUMMARY: The preliminary determinations of certain welded carbon steel pipes and tubes from Taiwan and the Republic of Korea (Korea) are being postponed, and we intend to issue them not later than October 24, 1983.

* The NPRM has been sent to OMB for review under Executive Order 12291. It will given EDR/PSDR numbers and served after OMB review.

be reluctant either to risk the competitive pressures of advising the public in advance exactly what they are getting for their money, i.e., that the carrier may leave them to fend for themselves at an airport other than that named on their ticket, or to face court review of the rule in the absence of advance notice.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas C. Tolerico, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Telephone (202) 377-0436.

SUPPLEMENTARY INFORMATION: On May 11, 1983, we announced our initiation of antidumping investigations to determine whether certain welded carbon steel pipes and tubes from Taiwan and Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of the antidumping law (48 FR 22179). The notice states that we would issue preliminary determinations by September 28, 1983.

As detailed in the notice of initiation of the antidumping investigations, the petitions allege that imports from Taiwan and Korea of certain welded carbon steel pipes and tubes are being or are likely to be, sold in the United States at less than fair value. On August 31, 1983, counsel for the petitioners, requested that the Department extend the period for the preliminary determinations until 185 days after the date of receipt of the petition in accordance with section 733(c) (1)(A) of the Tariff Act of 1930, as amended.

We have determined that additional time is necessary to make these preliminary determinations. Accordingly, the period for determinations in these cases is hereby extended. We intend to issue preliminary determinations not later than October 24, 1983.

This notice is published pursuant to section 733(c) of the Act.

Dated: September 7, 1983.

Alan F. Holmer,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24871 Filed 9-12-83; 9:45 am]

BILLING CODE 3310-25-M

Final Determination of Sales at Less Than Fair Value: Portland Hydraulic Cement From Australia

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Determination of Sales at Less Than Fair Value: Portland Hydraulic Cement from Australia.

SUMMARY: We have determined that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission

(ITC) of our determination, and the ITC will determine whether these sales at less than fair value have caused injury to a U.S. industry. We have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of our preliminary determination on April 29, 1983, and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-0189.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that portland hydraulic cement from Australia is being sold, or is likely to be sold, in the United States at less than "fair value," as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The weighted-average margin for Adelaide Brighton Cement, Ltd. is indicated in the "Suspension of Liquidation" section of this notice.

Case History

On September 23, 1983, we received a petition in proper form filed by counsel on behalf of Kaiser Cement Corporation; Gifford-Hill Cement Company; Monolith Portland Cement Company; Nevada Cement Company; the Stone, Glass and Clay Coordinating Committee, AFL/CIO; and the United Cement, Lime, Gypsum, and Allied Workers International Union, AFL/CIO, CLC. In accordance with the filing requirements of section 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioners alleged that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 19, 1982 (47 FR 46557). The ITC subsequently found, on November 8, 1982, that there is a

reasonable indication that imports of portland hydraulic cement from Australia are materially injuring, or are threatening to materially injure, a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c)(1)(B) of the Act. Therefore, we extended the period for making a preliminary determination by 50 days until April 21, 1983 (48 FR 7243).

On April 21, 1983, we preliminarily determined that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value (48 FR 19449). After receiving a request from Adelaide Brighton Cement, Ltd., who accounts for 100 percent of the exports of portland hydraulic cement to the United States, on June 8, 1983, we postponed the final determination until not later than September 6, 1983 (48 FR 26507).

Scope of Investigation

The merchandise covered by this petition is portland hydraulic cement, other than white, non-staining portland cement imported from Australia and currently classifiable under item number 511.1440 of the *Tariff Schedules of the United States Annotated*. We investigated sales of this cement which were made by Adelaide Brighton Cement, Ltd. (ABC) and sold to the United States during the period of investigation, April 1, 1982 through September 30, 1982. Sales by this firm accounted for 100 percent of all cement sold to the United States during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States prices with the foreign market value. We compared United States prices based on purchase price with foreign market value based on home market prices.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sale by ABC because the merchandise was sold to an unrelated export trading firm for resale to a U.S. purchaser and because ABC knew the destination of the merchandise at the time of the sale. We calculated the purchase price based on the f.o.b. bulk price to the unrelated export trading firm for resale in the United States. We made deductions for wharfage and loading expenses.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales by ABC of Type A portland cement, which we determined to be similar to the Type II portland cement imported into the United States. We calculated home market price on the basis of the delivered or ex-factory prices of cement in bulk to unrelated home market customers (pre-mix concrete dealers and cement products manufacturers). Where appropriate, we deducted inland freight, inland insurance, and loading. We made circumstances of sale adjustments for differences between U.S. and home market credit costs in accordance with § 353.15(b) of the Commerce Regulations. We also made adjustments for the cost of direct factory overhead associated with differences in the merchandise (degree of grinding) in accordance with § 353.16 of the Commerce Regulations.

Verification

In accordance with section 776(a) of the Act, we verified all information used in making this determination, by using standard verification procedures, including on-site inspection of the manufacturer's operations and examination of accounting records and selected documents containing relevant information.

Results of Investigation

We made fair value comparisons on the U.S. sale reported by Adelaide Brighton Cement, Ltd. We have found that the foreign market value exceeded the United States price on 100 percent of the merchandise sold. The margin on all portland hydraulic cement sales is 136.19 percent.

Petitioners' Comment

Comment 1

Petitioners argue that no adjustment to the foreign market value should be made pursuant to 19 CFR 353.15(b) for the payment, as a part of the price in the home market, of membership dues in an organization that promotes the use of concrete made from cement.

DOC Position

This item is a membership "premium" charged only to ready-mix customers at their request. The amount of this "premium" was passed by ABC (on behalf of its customers) to the National Ready Mix Concrete Association. Inasmuch as the cost of this membership premium is being paid by the customer and is not an expense incurred by ABC, we do not consider it a part of the price,

and therefore, no adjustment was made. We merely excluded the amount of the premium from the sales price to these customers.

Respondent's Comments

Comment 1

Respondent argues that the Department failed to base its preliminary determination upon the appropriate home market sales, which it claims are sales of Type A clinker. Respondent contends that Type A clinker and Type A cement are similar merchandise within the meaning of section 771(16)(B) of the Act, and that, therefore, the Department has the discretion to consider the sales of both cement and clinker (or either of them) in calculating foreign market value.

DOC Position

In calculating foreign market value, the Department used sales in the home market of only Type A cement for comparison with Type II cement sold for export to the United States. The two types of cement are not identical (Type II cement is more finely ground than Type A), but they are like in component materials and the purposes for which used, as provided in section 771(16)(B) of the Act.

The respondent claimed that we should use sales in the home market of Type A clinker, because clinker is merely "cement kept in a convenient form until needed for sale." We disagree. Type A clinker is a precursor of cement, which requires grinding and the addition of another material, usually gypsum, to make cement. Clinker is used to make cement, while cement is used to make concrete.

Section 771(16) of the Act defines "similar merchandise," as used in the definition of foreign market value (section 773(a)(1) of the Act), as merchandise in the first of three listed categories of merchandise for which a less-than-fair-value sales determination can satisfactorily be made. Type A cement sold by the respondent company (ABC) in Australia satisfies the second listed category. Cement clinker does not satisfy any of the three categories, because it is not like portland hydraulic cement in the purposes for which it is used.

We have determined that Type A cement was sold during the period of investigation in sufficient quantities and under conditions which permit the calculation of foreign market value under section 773(a)(1) of the Act. Thus, a sales-at-less-than-fair-value determination can satisfactorily be

made by using sales of Type A cement for our comparisons.

Comment 2

Respondent states that less-than-fair-value comparisons can be made satisfactorily in this case only if clinker sales are considered in the calculation of foreign market value, because the clinker sales in the home market were at a level of trade closer to that of the export sale. ABC has claimed two level of trade adjustments. The first is the difference between the weighted-average of the prices of ABC's home market sales of cement to pre-mix concrete dealers and concrete products manufacturers and the weighted-average of the prices of its home market sales of clinker to cement manufacturers. Respondent contends that this adjustment is necessary because the sales of cement are "spot sales" made in truckload quantities from price lists, whereas the sales clinker to domestic cement manufacturers, like the sales of cement to the export traders, are negotiated bulk sales. Moreover, they contend that the price variations reflect differences in market functions of the two classes of purchasers.

In addition, the respondent claims a level of trade adjustment the difference between the weighted-average of the price of its home market sales of clinker to cement manufacturers and the weighted-average of the price of its clinker sales to trading companies in Australia for shipment to third countries. Respondent contends that trading companies pay consistently lower prices than cement companies because they perform different functions in the marketing and distribution network.

DOC Position

Assuming that level of trade adjustments can appropriately be made in the basis of sales of merchandise that is determined not to be such or similar within the meaning of section 771(16) of the Act (a question we are not deciding at this time), we have determined that respondent's request for level of trade adjustments must be denied for the following reasons.

Regarding the first requested level of trade adjustment, we conclude that information submitted by the respondent falls short of establishing that the price differentials reflect differences in levels of trade. The sales of cement to pre-mix concrete dealers and concrete products manufacturers are made pursuant to published price lists which are changed only after advance notice to customer. The cement

is sold in bulk, not in bags. The respondent has not claimed an adjustment for differences in quantities sold, nor have we found any basis for making such an adjustment under 19 CFR 353.14.

To the extent that the respondent has established consistent differences between the prices of sales of cement to pre-mix dealers and concrete products manufacturers and the prices of clinker to cement manufacturers, we find that the differences are due to factors other than functional differences in the market or distribution network. Respondent's formula for converting clinker to "cement equivalents" accounted for the cost of adding gypsum and of grinding, but it did not account for the fact that the respondent sold clinker and cement in different markets. It sold cement in the South Australian market where it was the primary seller, and it sold clinker in a geographically distant Australian market where market conditions differed considerably. Respondent was unable to demonstrate that it sold any cement or clinker in the South Australian market at arm's length prices to related, or to unrelated, cement manufacturers either during or close to the period of investigation. Therefore, we conclude that the differences in weighted-average prices most likely reflect differences in market conditions between South Australia and the other market, rather than differences in the market functions of two classes of purchasers.

Regarding the second level of trade adjustment, respondent claims that the export trading companies, unlike the cement companies, incur additional expenses associated with the need to find foreign buyers, arrange for shipping, and take risks in international sales. The respondent, however, did not quantify the cost of these differences or compare such costs with costs associated with sales of cement in the principal market in South Australia in order to establish that the price differences reflect the different market functions of the sellers.

The claimed level of trade adjustments are denied because the respondent failed to establish the existence of different functions in the market place and failed to quantify differences in the selling costs associated with different functions in the market place.

Comment 3

The respondent has argued that distribution of samples, promotional literature, and fees for participation in the Cement and Concrete Association of Australia (CACA) are allowable circumstances of sale adjustments,

because they are expenses assumed by the seller and attributable to a later sale by purchasers.

DOC Position

The Department allows as circumstances of sale adjustments only those promotional expenses attributable to a later sale of the merchandise by a purchaser. Distribution of samples may be considered an expense attributable to a later sale by purchasers. However, ABC could not separately quantify the cost of the samples distributed during the period of investigation.

The promotional activities of CACA benefit the entire cement and concrete industry in Australia and are not specifically directed toward ABC cement or the product under investigation. Therefore, fees to the CACA may not be considered directly related to sales of Type A cement by ABC. These promotional expenses of the respondent were not allowed as circumstances of sale adjustments under section 353.15(b) of the Commerce Regulations.

A promotional publication produced by ABC is an allowable circumstance of sale adjustment. We normally would allow the expense for this publication as an adjustment to the home market selling price under § 353.15(a) of the Commerce Regulations. However, this expense is so insignificant (0.002 Australian dollars per ton), that we disregarded this adjustment in accordance with § 353.23 of the Commerce Regulations.

Comment 4

The respondent argued that it has demonstrated a direct relationship between the activities of certain of its technical services personnel and its local home market sales. Therefore, expenses for technical services must be allowed as a circumstance of sale adjustment.

DOC Position

The respondent has demonstrated that it has personnel who provide technical services to cement customers, but it did not demonstrate that these services were provided pursuant to sales. Since a direct relationship between the home market cement sales and the respondent's technical services has not been demonstrated, we have disallowed this adjustment pursuant to § 353.15(a) of the Commerce Regulations.

Comment 5

The respondent has argued that an adjustment must be made for direct selling expenses pursuant to § 353.15(a)

of the Commerce Regulations. The expenses include vehicle expenses, itemized travel and entertainment expenses, sundry expenses, freight expenses absorbed by ABC, and the cost of bulkier bags.

DOC Position

The respondent claims these expenses as direct selling expenses because they are shown on respondent's books distinct from general overhead expenses. The respondent has not, however, demonstrated that these expenses are directly related to the home market sales under consideration. Therefore, we have not allowed these expenses as an adjustment under § 353.15(a) of the Commerce Regulations.

Suspension of Liquidation

On April 29, 1983, we instructed the United States Customs Service to suspend liquidation of all entries of portland hydraulic cement from Australia (48 FR 19449). As of the date of publication of this notice in the *Federal Register*, the liquidation of all entries, or withdrawals from warehouse for consumption of this merchandise will continue to be suspended. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts shown in this notice, by which the foreign market value of the merchandise subject to this investigation exceed the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer	Weighted-average margin percentage
Adelaide Brighton Cement, Ltd.	136.19
All Others	136.19

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the latter of 120 days after the Department made its preliminary affirmative determination or 45 days after the Department made its final affirmative determination.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order, directing Customs officers to assess an antidumping duty on portland hydraulic cement from Australia, entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States prices.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: September 6, 1983.

[FX Doc. 83-34873 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-25-M

Final Determination of Sales at Less Than Fair Value; Portland Hydraulic Cement From Japan

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Determination of Sales at Less Than Fair Value: Portland Hydraulic Cement from Japan.

SUMMARY: We have determined that portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and the ITC will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or are threatening to materially injure, a United States industry. We have directed the U.S. Customs Service to continue to suspend the liquidation of entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after April 29, 1983, in accordance with our preliminary determination, to begin suspension of liquidation on all exports of the subject merchandise by Sumitomo as of the date of publication of this notice, and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described

in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: September 13, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-0189.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that portland hydraulic cement from Japan is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The concerned firms are indicated in the "Suspension of Liquidation" section of this notice.

Case History

On September 23, 1982, we received a petition in proper form filed by counsel on behalf of Kaiser Cement Corporation; Gifford-Hill Cement Company; Monolith Portland Cement Company; Nevada Cement Company; the Stone, Glass and Clay Coordinating Committee, AFL/CIO; and the United Cement, Lime, Gypsum, and Allied Workers International Union, AFL/CIO, CLC. In accordance with the filing requirements of section 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioners alleged that portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 19, 1982 (47 FR 46558). The ITC subsequently found, on November 8, 1982, that there is a reasonable indication that imports of portland hydraulic cement from Japan are materially injuring, or are threatening to materially injure, a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c)(1)(A) of the Act. Therefore, we extended the period for making a preliminary determination by 50 days until April 21, 1983 (48 FR 7243).

On April 21, 1983, we preliminarily determined that portland hydraulic cement from Japan is being, or is likely to be sold in the United States at less

than fair value (48 FR 19445). After receiving a request from Nihon Cement Co., Ltd. (Nihon), who accounts for approximately one-third of the exports of portland hydraulic cement to the United States, on June 8, 1983, we postponed the final determination until not later than September 6, 1983 (48 FR 26507), in accordance with section 735(a)(2)(A) of the Act.

Scope of Investigation

The merchandise covered by this investigation is portland hydraulic cement, other than white, non-staining portland cement imported from Japan and currently classifiable under item number 511.1440 of the *Tariff Schedules of the United States Annotated*. We investigated sales of this cement which were made by two Japanese producers and sold to the United States during the period of investigation, March 1, 1982 through September 30, 1982.

The firms investigated were Sumitomo Cement Co., Ltd. (Sumitomo) and Nihon. Sales by these firms accounted for 100 percent of all sales of the subject merchandise to the United States during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States prices with the foreign market value. We compared United States price based on purchase price with foreign market value based on home market prices or on constructed value, where appropriate.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by both producers, because the merchandise was sold by Nihon to an unrelated purchaser in the United States, and was sold by Sumitomo to an unrelated purchaser in Japan for resale to the United States, prior to importation of the merchandise into the United States. In the case of Sumitomo, the manufacturer knew the destination of the merchandise at the time the sales were made.

We calculated the purchase price based on the unpacked, f.o.b., bulk price to unrelated purchasers. We made deductions for foreign inland freight, foreign inland insurance, foreign brokerage charges, and, where appropriate, for discounts.

Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value based on home market sales for Nihon, and on constructed value for Sumitomo. We determined that the moderate heat cement (MC) sold in Japan is similar to Type II portland hydraulic cement sold in the United States, in accordance with the provisions of section 771(16) of the Act.

The petitioners alleged that sales of MC cement in the home market were at prices below the cost of producing MC cement. We examined production costs, which included all appropriate costs for materials, fabrication, and general expenses. Sales of MC cement below the cost of production were found to be made by both Sumitomo and Nihon. Where sales of the merchandise under investigation were made over an extended period of time and in substantial quantities, and were at prices which did not permit recovery of all costs within a reasonable period of time in the normal course of trade, the Department disregarded these sales in its analysis, in accordance with section 773(b) of the Act. For Nihon, we found that sufficient sales of MC cement were made at or above the cost of production, and therefore, those sales were used in making price-to-price comparisons with the sale in the United States market. For Sumitomo, we found that sales which were made above the cost of production were inadequate as a basis for the determination of foreign market value and, consequently, we used the constructed value of the merchandise to determine the foreign market value.

We calculated the home market prices for Nihon on the basis of the delivered, unpacked, bulk prices to unrelated customers. We deducted foreign inland freight, and discounts. We made circumstances of sale adjustments for differences between U.S. and home market credit costs in accordance with section 353.15 of the Commerce Regulations, and we adjusted for the cost of materials, labor and direct factory overhead associated with differences in the merchandise, in accordance with section 353.16 of the Commerce Regulations. We also made an adjustment for indirect selling expenses in the home market used as an offset to U.S. commissions in accordance with section 353.15(c) of the Commerce Regulations.

Since the U.S. sale reported by Nihon was made in bulk to a trading company, we used only those home market sales that were made in bulk to distributors in our calculation of foreign market value.

We used constructed value as a basis for the determination of Sumitomo's foreign market value. We calculated it to include the cost of materials, fabrication, general expenses, and profit. Since the actual general expenses were higher than the statutory minimum of 10 percent of the sum of material and fabrication costs, actual expenses were added. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses, because the actual profit was less than 8 percent.

Verification

In accordance with section 776(a) of the Act, we verified all the information used in making this determination, by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and selected documents containing relevant information.

Results of Investigation

We made fair value comparisons on all U.S. sales reported by the respondents. We have found that the foreign market value exceeded the United States price on 100 percent of the merchandise sold. These margins ranged from 33.77 percent to 43.54 percent. The overall weighted-average margin on all portland hydraulic cement sales is 37.24 percent.

Petitioners' Comments

Comment 1

Petitioners argue that, in terms of component materials and the purposes for which it is used, the general purpose portland cement (PC) sold in Japan is more similar than MC cement to the Type II cement which is exported to the United States. Therefore, sales of PC cement constitute the appropriate basis for the determination of foreign market value.

DOC Position

The Type II cement sold to the United States and the PC and MC cements sold in Japan all have similar, but not necessarily the same, component materials. Also, the proportions of component materials contained in a particular cement vary according to cement type. We consulted a cement expert at the National Bureau of Standards (NBS) to assist us in identifying "such or similar" merchandise for comparison to Type II cement. We ascertained that in Type II cement the tricalcium aluminate content is limited to eight percent. This is important because the Type II cement

under investigation is imported into California and Nevada, where moderate sulfate resistance is required. The percentage of tricalcium aluminate which MC cement sold in Japan can contain is limited to eight percent, while PC cement has no such limitation. The petitioners, in their letters of April 6 and April 14, 1983, stated that while PC cement does not have a required tricalcium aluminate level, it has an actual level of nine percent. The NBS expert stated that a cement containing a tricalcium aluminate level in excess of eight percent (PC cement) cannot be used in applications requiring moderate sulfate resistance. Therefore, with regard to the component materials contained in the cement types under consideration, we determine that MC cement sold in Japan is "such or similar" to the Type II cement which is sold to the United States.

The petitioners also claim that the uses of MC cement in the home market are different from the uses of Type II cement in the United States. They state that Type II cement is used in commercial and residential construction, highways, and manufacture of concrete products. Petitioners argue that PC cement is also used as a general construction cement, while MC cement is used for massive concrete work, such as dam construction. We have found, however, that not only is MC cement used for the construction of dams, but it is also used for the rehabilitation and construction of roads, and airport runways. Therefore, MC cement is like Type II cement in the purposes for which it is used.

MC cement is similar to Type II cement both in terms of component materials and in the purposes for which it is used. Therefore, we determined that MC cement is "such or similar" merchandise pursuant to section 771(16)(B) of the Act. Since Type II cement is imported for use in applications requiring moderate sulfate resistance, PC cement does not satisfy the requirements of section 771(16) of the Act and, is, therefore, not considered "such or similar" merchandise for purposes of this investigation.

Comment 2

The petitioners argue that sales of PC cement are made in the "principal markets" and in the "ordinary course of trade," while sales of MC cement are not. Therefore, sales of MC cement do not meet the statutory requirements for establishing foreign market value.

DOC Position

Petitioners base their arguments on the fact that PC cement is sold in greater volume in the home market than MC cement. It is immaterial that PC cement is sold in a greater volume. What is material is for MC cement, we use only the sales of MC cement in its principal market. All sales of MC cement during the period of investigation were made in those Japanese markets in which MC cement is usually sold. Therefore, the Department considers all sales of MC cement used in this investigation to have been sold in the principal market as required by section 773 of the Act.

The MC sales were made in the "ordinary course of trade" pursuant to section 771(15) of the Act. In Japanese domestic trade, cement is normally sold to distributors. All sales of MC cement used in our comparisons, in conformity with this practice, were made to distributors. Therefore, we determine that the sales under consideration were made in the "ordinary course of trade".

Comment 3

Petitioners argue that the Department erred in its preliminary determination by using sales to a related party, Sumitomo Corporation, in determining foreign market value.

DOC Position

Sumitomo Corporation owns 2.9 percent of the stock in Sumitomo. Where one party retains less than a 5 percent interest in another party, the practice of the Department has been not to consider those parties as related within the meaning of section 771(13) of the Act. However, even assuming *arguendo* that the two firms were related within the meaning of section 771(13) of the Act, § 353.22(b) of the Commerce Regulations permits the price(s) at which the organization purchases the subject merchandise from the related seller to be used in the determination of foreign market value under certain conditions. Examination of the prices at which Sumitomo sells MC cement to Sumitomo Corporation in comparison to its sales prices to other customers does not indicate the Sumitomo maintains a pattern of preferentially pricing its sales to Sumitomo Corporation. Therefore, we determine that, pursuant to section 353.22 of the Commerce Regulations, sales to Sumitomo Corporation should be included in the determination of foreign market value, because they were made at prices comparable to those at which the subject merchandise is sold to other customers.

Comment 4

The petitioners argue that no adjustment for differences in physical characteristics should be made if foreign market value is based on sales of MC cement, because there is no evidence that any price differential is due to the greater cost of producing MC cement.

DOC Position

During verification, our examination of the cost of producing MC and Type II cement revealed certain cost differences which we determine are attributable to differing physical characteristics of the merchandise. The Department's allowance of an adjustment for differences in physical characteristics is in accordance with § 353.16 of the Commerce Regulations which states that reasonable allowances shall be made for differences in costs to the seller resulting from differing physical characteristics of the merchandise. The Court of International Trade recognized (*Brother Industries Ltd. v. United States*, 540 F. Supp. 1348 (1982)), and the Court of Appeals for the Federal Circuit affirmed (*Smith-Corona Group v. United States*, Appeal No. 82-84, decided Aug. 9, 1983), with respect to the circumstances of sale adjustment described in section 353.15 of the Commerce Regulations, that, absent evidence that the cost of producing particular types of merchandise does not reflect their respective values, the Department may reasonably conclude that cost and value are directly related. Therefore, we maintain that it is reasonable to conclude that the differences in the cost of producing MC and Type II cement result in differences in their prices, and we determine that these cost differences constitute an appropriate basis for the allowance of an adjustment for differences in the physical characteristics of the merchandise.

Comment 5

The petitioners argue that there is a commission, not a discount, paid to distributors in the home market. Therefore, no deduction should be made for the indirect selling expenses claimed by the Japanese producers as an offset for commissions paid on the sales to the United States.

DOC Position

We examined sales of MC cement to distributors in Japan who purchase the cement from the investigated firms. Since the buyer of a product cannot receive a commission *per se* for its own purchases, as would a sales agent, the Department considers that a reduction

of the sales price to a purchaser constitutes a rebate or a discount, not a commission. Furthermore, we have verified that the distributors negotiate prices with the cement companies and receive title to the cement. Therefore, pursuant to § 353.15(c) of the Commerce Regulations, a deduction of indirect selling expenses has been made to offset commissions paid on the sales to the United States.

*Respondent's Comments**Comment 1*

Respondents argue that even if the Department finds that some of their sales of MC cement were below the cost of production, such sales did not take place over an "extended period of time" within the meaning of section 773(b) of the Act. Respondents define "an extended period of time" as one year for purposes of this section of the Act for this investigation.

DOC Position

The Department chose a seven-month period of investigation for the selection of prices to be compared to cost, and used an annual accounting period (which included the period of investigation) to examine cost. Our determination of whether below cost sales should be disregarded was thus made by comparing the prices for the period of investigation to the cost of producing the subject merchandise for at least a one-year period which encompassed the period of investigation. We found that sales of MC cement were made below the cost of production throughout the seven-month period of investigation. Consequently, we disregarded these sales in accordance with section 773(b) of the Act.

Suspension of Liquidation

On April 29, 1983, we instructed the United States Customs Service to suspend liquidation of all entries of portland hydraulic cement from Japan with the exception of portland hydraulic cement produced by Sumitomo (48 FR 19445). As of the date of publication of this notice in the *Federal Register*, the liquidation of all entries, or withdrawals from warehouse, for consumption, of this merchandise will continue to be suspended for Nihon and all other manufacturers and producers, which were previously subject to suspension. In addition, we are directing the United States Customs Service to suspend liquidation of all entries of portland hydraulic cement produced by Sumitomo. The Customs Service shall require a cash deposit or the posting of a

bond equal to the estimated weighted-average amounts shown in this notice by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer	Weighted-average margin percentage
Sumitomo Cement Co., Ltd.	35.50
Nihon Cement Co., Ltd.	43.54
All others	37.24

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry within 45 days of the publication of this notice.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs officers to assess an antidumping duty on portland hydraulic cement from Japan, entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States prices.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held October 13, 1983, 1:00 p.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials on problems and conditions in the textile and apparel industry.)

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: September 8, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-24914 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Closing Date for Receipt of Additional Applications from New Firms for a Portion of the 1983 Virgin Islands Watch Quota

September 6, 1983.

The Departments published an invitation for applications from new firms for a portion of the 1983 Virgin Islands Watch Quota (15 CFR Part 303) on May 16, 1983 (48 FR 21981).

A qualifying application was received on August 24, 1983. Accordingly, the Departments will consider additional applications only if they are received before close of business on October 13, 1983.

For additional information contact Mr. Frank Creel on (202) 377-1660.

Rick T. Montoya,

Acting Assistant Secretary for Territorial and International Affairs, Department of the Interior.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff, Department of Commerce.

[FR Doc. 83-24913 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-10-M; 3510-25-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

[Docket No. 30812-158]

Federal Information Processing Standard 46, Data Encryption Standard

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. Within this authorization, the Data Encryption Standard was issued as Federal Information Processing Standard 46 on January 15, 1977.

This standard specified that a review would be performed by the National Bureau of Standards (NBS) five years after its effective date, taking into account technological trends and other factors, in order to determine whether the standard should be affirmed, revised, or withdrawn. This review process is not complete. In order to ensure that all parties had an opportunity to present their views, NBS solicited comments on the standard (47 FR 12375, March 23, 1982). Comments and recommendations regarding the adequacy, implementation and use of the standard have been carefully reviewed.

After considering all comments and recommendations, the standard has been affirmed in its present form, and will be reviewed again beginning on or before January 15, 1987.

Dated: September 6, 1983.

John W. Lyons,

Acting Director.

[FR Doc. 83-24891 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-13-M

[Docket No. 30812-159]

Proposed Federal Information Processing Standard for Pascal

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing (ADP) standards. A Federal Information Processing Standard for Pascal is being proposed for Federal use. It is based on the Federal adoption of American National Standard ANSI/IEEE770X3.97-1983, Programming Language Pascal, which is a voluntary industry standard developed jointly by the American National Standards

[FR Doc. 83-24874 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-25-M

Institute and the Institute of Electrical and Electronics Engineers. This standard will be added to the current family of Federal Information Processing Standard (FIPS) Languages which includes Minimal Basic, Fortran and Cobol.

Prior to the submission of this proposed standard to the Secretary of Commerce for review and approval as a FIPS, it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

This proposed Federal Information Processing Standard (FIPS) contains two portions: (1) An announcement portion, which provides information concerning the applicability, implementation, and maintenance of the standard, is provided in its entirety in this notice; and (2) a specification portion which deals with the technical requirements of the standard, American National Standard ANSI/IEEE770X3.97-1983, Programming Language Pascal. (Interested parties may obtain a copy of the technical specifications from the American National Standards Institute, 1430 Broadway, New York, New York 10018.)

Comments concerning the adoption of Pascal as a FIPS are invited and may be sent to Director, Institute for Computer Sciences and Technology, ATTN: Proposed FIPS for Pascal, Administration Building, Room A200, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed action must be received on or before December 12, 1983.

Written comments received in response to this notice plus written comments obtained from Federal department and agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

Persons desiring further information about this proposed FIPS for Pascal may contact Dr. Jack C. Boudreaux, Data Management and Programming Languages Division, Center for Programming Sciences and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone 301/921-2431.

Dated: September 7, 1983.

John W. Lyons,
Acting Director.

Federal Information Processing Standard Publication—

Announcing the Standard for Pascal

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to Section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. *Name of Standard.* Pascal (FIPS PUB —).

2. *Category of Standard.* Software Standard, Programming Language.

3. *Explanation.* This publication announces the adoption of American National Standard Programming Language Pascal, ANSI/IEEE770X3.97-1983, as a Federal Information Processing Standard (FIPS). The American National Standard Pascal, ANSI/IEEE770X3.97-1983, specifies the form and establishes the interpretation of programs expressed in the Pascal Programming Language. The purpose of the standard is to promote portability of Pascal programs for use on a variety of data processing systems. The standard is for use by implementors as the reference authority in developing compilers, interpreters, or other forms of high level language processors; and by other computer professionals who need to know the precise syntactic and semantic rules adopted by ANSI. It is not the primary purpose of this standard to explain the language to the beginning or casual user.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross Index.* American National Standard ANSI/IEEE770X3.97-1983, Pascal.

7. Related Documents:

a. Federal Property Management Regulation 101-36.1310, Implementation of Federal Information Processing and Federal Telecommunication Standards into Solicitation Documents, Federal Information Processing Standard (FIPS) Programming Languages.

b. FIPS PUB 29-1, Interpretation Procedures for Federal Information Processing Standard Programming Languages.

8. *Objectives.* Federal standards for high level programming languages

permit Federal departments and agencies to more effectively produce, manage, and use the government's information resources. The primary objectives of Federal programming language standards are:

- To encourage more effective utilization and management of programmers by ensuring that programming skills acquired on one job are transportable to other jobs, thereby reducing the cost of programmer re-training;
- To reduce the cost of program development by achieving the increased programmer productivity that is inherent in the use of high level programming languages;
- To reduce the overall software costs by making it easier and less expensive to maintain programs and to transfer programs among different computer systems, including replacement systems;
- To protect the existing software assets of the Federal Government by ensuring to the maximal feasible extent that Federal programming language standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard language specifications.

9. Applicability:

a. Federal standards for high level programming languages are intended for use in computer applications and programs that are either developed or acquired for government use. FIPS Pascal is one of the high level programming language standards available for use by all Federal departments and agencies. FIPS Pascal is suitable for use in programming applications that employ structured programming techniques and that require advanced data typing facilities, especially those applications which are of a size compatible with an implementation in a minicomputer or microcomputer environment.

b. The use of FIPS high level programming languages is strongly recommended when one or more of the following situations exist:

- It is anticipated that the life of the program will be longer than the life of the presently utilized equipment.
- The application or program is under constant review for updating of the specifications, and changes may result frequently.

- The application is being designed and programmed centrally for a decentralized system that employs computers of different makes, models and configurations.
- The program will or might be run on equipment other than that for which the program is initially written.
- The program is to be understood and maintained by programmers other than the original ones.
- The advantages of improved program design, debugging, documentation and intelligibility can be obtained through the use of this high level language regardless of interchange potential.
- The program is or is likely to be used by organizations outside the Federal Government (i.e., State and local governments, and others).

d. Non-standard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. Although non-standard language features can be very useful, it should be recognized that the use of these or any other non-standard language elements may make the interchange of programs and future conversion to an extended Pascal standard or replacement processor more difficult and costly.

e. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of report generation, data base management, or text processing languages. The use of any facility should be considered in the context of system life, system cost, and the potential for data sharing.

f. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is a Pascal source program, then the resulting program should conform to the conditions and specifications of FIPS Pascal.

10. *Specifications.* American National Standard Programming Language Pascal, ANSI/IEEE770X3.97-1983, contains the specifications for FIPS Pascal. The ANSI Pascal document defines the scope of the specifications, the syntax and semantics of the Pascal language and requirements for a conforming processor and program. All of these specifications apply to FIPS Pascal.

11. *Implementation.* The implementation of FIPS Pascal involves two areas of consideration: acquisition of Pascal processors, and interpretation of Pascal.

11.1 *Acquisition of Pascal Processors.* This publication is effective

(the date of approval of this document). Pascal processors acquired for Federal use after this date should implement FIPS Pascal. Conformance to FIPS Pascal should be considered whether Pascal processors are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement or specified for use in contracts for programming services.

A transition period provides time for industry to produce Pascal processors conforming to the standard. The transition period begins on the effective date and continues for eighteen (18) months thereafter. A Pascal language processor not conforming to FIPS Pascal may be acquired for interim use during the transition period.

11.2 *Interpretation of FIPS Pascal.* NBS provides for the resolution of questions regarding FIPS Pascal specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS Pascal should be addressed to:

Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234

12. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication — (FIPS PUB —), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 83-24692 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Import Limit for Certain Cotton Textile Products from Pakistan

September 8, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 13, 1983. For further information contact Gordana Slijepcevic (202/377-4212).

Background

A CITA directive dated December 14, 1982 (47 FR 56536) established limits for

certain specified categories of cotton textile products, including Category 369 (other cotton manufactures, excluding bar mops in T.S.U.S.A. number 366.1855), produced or manufactured in Pakistan and exported during the agreement year which began on January 1, 1983. Under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, the Governments of the United States and Pakistan have agreed to increase the limit for Category 369 pt. (excluding T.S.U.S.A. Number 366.1855) from 5,869,565 pounds to 6,521,739 pounds during that twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

Walter C. Lenaha,

Chairman, Committee for the Implementation of Textile Agreements.

September 8, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 14, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Effective on September 13, 1983, the directive of December 14, 1982 is hereby further amended to include an increased level of restraint for cotton textile products in Category 369 pt. (all T.S.U.S.A. numbers except 366.1855) of 6,521,739 pounds.¹

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-24675 Filed 9-12-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Forms Under Review by Office of Management and Budget

The Committee for Purchase from the Blind and Other Severely Handicapped

¹ The level has not been adjusted to reflect any imports after December 31, 1982.

has submitted requests to extend the authorization for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S. Chapter 35).

On September 1, 1981, OMB approved the following Committee forms:

	Form
Initial Certification—Blind.....	401
Initial Certification—Severely handicapped.....	402
Annual Certification—Blind.....	403
Annual Certification—Severely handicapped.....	404

It is proposed to extend the authorization for the collection of information on the above forms. The information included on the forms is required to ensure that new workshops entering the Committee's program meet the requirements of Pub. L. 92-28, June 23, 1971 (44 U.S.C. 46-48c) and that participating workshops continue to meet the requirement of the Act.

Requests for information including copies of the proposed information requests and supporting documentation should be directed to: C. W. Fletcher, Committee for Purchase from the Blind and Other Severely Handicapped, 1755 Jefferson Davis Highway, Crystal Square 5, Suite 1107, Arlington, VA 22202; (703) 557-1145.

Comments on the requests to extend the authorization for the reports should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Joseph Lackey.

C. W. Fletcher,
Executive Director.

[FR Doc. 83-24903 Filed 9-12-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Correction of Additions and Deletions

FR Doc. 83-24176, published September 2, 1983 (48 FR 39976) under "Deletions" is amended by deleting the words "It is proposed to delete the following commodities and service from Procurement List 1983, November 18, 1982 (47 FR 52101):" and substituting therefor "After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

"Accordingly, the following commodities and service are hereby deleted from Procurement List 1983:"

C. W. Fletcher,

Executive Director.

[FR Doc. 83-24904 Filed 9-12-83; 8:45 am]

BILLING CODE 68200-3-M

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement (DEIS) for a Study to Reduce Flooding Along the Lower Meramec River, Missouri; Intent to Prepare

AGENCY: St. Louis District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS) as part of the study to reduce flooding along the lower Meramec River, Missouri.

SUMMARY: 1. *Proposed Action.* This study is to determine and implement nonstructural and structural measures that are economically and engineeringly feasible to prevent flood damages to communities along the Meramec River in St. Louis and Jefferson Counties and a portion of Franklin County, Missouri. The construction of any dams and reservoirs will not be considered.

2. *Alternatives.* The following alternatives will be studied: flood proofing structures; raising structures; floodwalls; levees; purchase of flood-prone land and relocation of flood-prone structures; establishing parks on vacated land; flood forecasting, warning, and evacuation systems; floodplain regulations; flood insurance; enlarging bridge openings; enlarging, realining, or clearing debris from stream channels.

3. *Scoping Process.* a. *Public Involvement Program:* Numerous public agencies, private groups and individuals are being involved with this study. These include members of the Missouri U.S. Congressional delegation, U.S. Fish and Wildlife Service, National Weather Service, Federal Emergency Management Agency, U.S. Geological Survey, U.S. Environmental Protection Agency, Missouri Department of Conservation, Missouri Department of Natural Resources, St. Louis Metropolitan Sewer District, Meramec River Recreation Association, St. Louis County Parks Department, East-West Gateway Coordination Council and officials from the affected communities.

Plan Formulation public meetings will be held in various communities throughout the study area in November and December 1983 and January 1984.

Final public meetings will be held in these communities in July and August 1984.

b. *Significant Issues:* Significant issues addressed in the DEIS will include analysis of flood protection, fish and wildlife habitat, endangered species, prime farmland, cultural resources, water quality, parkland, relocations, land use changes, and the impact that the proposed action will have on the environment.

c. *Lead Agency and Cooperative Agency Responsibilities:* The St. Louis District, U.S. Army Corps of Engineers, is the lead agency responsible for the preparation of the DEIS.

d. *Environmental Review and Consultation Requirements:* The completed DEIS will be distributed to the appropriate Federal, state and local agencies, and representatives of interested groups and individuals. It will contain records of compliance with appropriate laws and regulations.

4. *Scoping Meetings:* The following scoping meetings have been held:

Date	Location	Participants
Apr. 6, 1983	Fenton, Mo.	Congressional Representatives, Local Officials, and General Public.
May 5, 1983	St. Louis, Mo.	State and Federal.
June 7, 1983	Pacific, Mo.	Local Officials and General Public.
June 13, 1983	Arnold, Mo.	Congressional Representatives, Local Officials, and General Public.

Scoping will continue throughout the study, both informally and formally, during the scheduled public meetings.

5. *Draft Environmental Impact Statement Preparation:* The DEIS is scheduled to be completed in April 1984.

ADDRESS: Questions about the proposed action and the Draft Environmental Impact Statement can be answered by contacting Mr. Jack F. Rasmussen; Chief, Planning Division; U.S. Army Corps of Engineers; St. Louis District; 210 Tucker Boulevard, North; St. Louis, Missouri 63101.

Gary D. Beech,

Colonel, CE Commanding.

August 19, 1983.

[FR Doc. 83-24962 Filed 9-12-83; 8:45 am]

BILLING CODE 3710-55-M

Board of Visitors, United States Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 3-4 November 1983.

Place of Meeting: West Point, New York (Exact location TBD).

Time of Meeting: 8:30 a.m.

Proposed Agenda: Executive Committee Meeting; discussion of the following items: Cadet Retention, Graduate Retention, Religious Facilities at West Point, Maintenance of Quarters and Facilities and Status of Ladycliff Acquisition, No-Marriage Policy, Impact Aid Update and Conclusions and Recommendations for inclusion in the Board of Visitors Report.

All proceedings are open. For further information contact Colonel D. P. Tillar, Jr., United States Military Academy, West Point, N.Y. 10996.

For the Board of Visitors.

D. P. Tillar, Jr.,

Col. GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 83-24910 Filed 9-12-83; 8:45 am]

BILLING CODE 3710-08-M

Camp Bullis, Texas; Assault Landing Strip; Intent To Prepare Environmental Impact Statement

AGENCY: Department of the Army
Department of Defense.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given of intent to prepare an Environmental Impact Statement (EIS) concerning the operation of an Assault Landing Strip (ALS) for aircraft at Camp Bullis, Texas. The U.S. Army proposes to operate the ALS for standard transport aircraft in the Army and Air Force inventory. Questions about the ALS and the EIS scoping process should be addressed to Mr. Dick Strimel, Environmental Officer, Attn: AFZG-FE-EQ, Ft. Sam Houston, Texas 78234.

John O. Roach II,

DA Liaison Officer With the Federal Register.

[FR Doc. 83-24901 Filed 9-12-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Education Appeal Board Proceeding

AGENCY: Department of Education.

ACTION: Notice of education appeal board proceeding.

SUMMARY: This notice advises readers that the Education Appeal Board has scheduled a prehearing conference on September 22, 1983, in the *Appeal of the Los Angeles Community College District*, Docket No. 26-(91)-81; the proceeding will begin at 10:30 a.m. in

Room 1130, 400 Maryland Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 2141, FOB-6), Washington, D.C. 20202. Telephone (202) 245-7835.

SUPPLEMENTARY INFORMATION: Under the Education Amendments of 1978 (20 U.S.C. 1234), the Education Appeal Board has authority to conduct: (1) Audit appeal proceedings, (2) withholding, termination, and cease and desist proceedings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board. For information concerning the Board and its procedures, see the Board's final regulations as published in the Federal Register on May 18, 1981 (46 FR 27304).

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: September 7, 1983.

A. Wayne Roberts,

Deputy Under Secretary.

[FR Doc. 83-24909 Filed 9-12-83; 8:45 am]

BILLING CODE 4000-01-M

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Application notice for Mina Shaughnessy Scholars Program.

SUMMARY: Applications are invited for new awards to be made in fiscal year 1984 under the Mina Shaughnessy Scholars Program of the Fund for the Improvement of Postsecondary Education.

Authority for this program is contained in Title X of the Higher Education Act, as amended. Under this program, the Secretary makes awards to institutions for postsecondary education and other public or private educational institutions and agencies. The purpose of the awards is to improve postsecondary education.

Closing date for transmittal of applications: Applications for awards must be mailed (postmarked) or hand-delivered by November 1, 1983.

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.116E, Washington, D.C., 20202.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Services postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark, or mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Attention: 84.116E, 7th and D Street, SW., Room 5673, Regional Office Building 3, Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on November 1, 1983.

Program information:

Type of Competition: In this competition, the Secretary supports efforts by postsecondary educational practitioners to contribute to knowledge about postsecondary education or to the improvement of postsecondary education by producing a document or other product or by engaging in an activity designed to transmit the practitioner's knowledge to others.

Program Priorities: The Secretary is not establishing priorities for this competition. Applicants have the opportunity and responsibility to identify the areas of practice that they seek to address.

Selection Criteria: The Secretary evaluates an application on the basis of the following selection criteria:

(a) **Significance for Postsecondary Education.** The Secretary reviews each project for its significance in improving postsecondary education by determining the extent to which it would:

(1) Achieve the purposes of the Mina Shaughnessy Scholars Program.

(2) Address an important problem or need.

(3) Involve learner-center improvements; achieve far-reaching impact through improvements that will be useful in a variety of ways and in a

variety of settings; and increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each project for its feasibility by determining the extent to which:

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by the quality of the project design, including objectives and approaches and the adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(3) The applicant is capable of carrying out the project, as evidenced by the qualifications of the prospective Scholar(s) and the relevance of each prospective Scholar's prior experience;

(4) The applicant and any other participating organizations are committed to the success of the project, as evidenced by their contribution of resources.

(c) *Appropriateness of the Fund's Support.* The Secretary reviews each application to determine whether support of the project by the Fund is appropriate in terms of the availability of other funding sources for the proposed activities.

The selection criteria (a)(1), (a)(2), (a)(3), (b)(1), (b)(2), (b)(3), (b)(4), and (c) are of equal importance. The Secretary's final judgment of an application is based on an overall assessment of the extent to which the application satisfactorily addresses the selection criteria.

Other Information or Materials that may be requested from Applicants:

The Secretary will request each finalist in this competition to submit the names of at least three references and any supporting material relevant to the application such as samples of prior written work. In addition, phone interviews may be conducted with finalist.

Available funds: Approximately \$350,000 is estimated to be available for new awards in fiscal year 1984. It is estimated that these funds could support approximately 15 new awards. The estimated maximum amount for new awards will be \$20,000 for a 15-month project period.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Application forms: The application form includes in the program information package may be obtained from the Fund for the Improvement of Postsecondary Education, U.S. Department of Education, Room 3100,

7th and D Streets, SW., Attention: 84.116E, Washington, D.C. 20202. The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under statute and regulations governing the competition.

(The application is approved under OMB 1840-0515, expiration 9/30/84)

Applicable regulations: The regulation governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74, 75, 77, and 78, with the exceptions noted in the regulations referred to below.

(2) Awards under this program will be subject to the regulations in 34 CFR Part 630.

Further information: For further information contact the Fund for the Improvement of Postsecondary Education, regarding 84.116E, the Mina Shaughnessy Scholars Program, telephone (202) 245-8091/8100.

(Catalog for Federal Domestic Assistance No. 84.116E, Fund for the Improvement of Postsecondary Education) (20 U.S.C. 1135)

Dated: September 6, 1983.

T. H. Bell,

Secretary of Education.

(FR Doc. 83-24905 Filed 9-12-83; 8:45 am)

BILLING CODE 4000-01-M

Office of Postsecondary Education

Strengthening, Special Needs, and Challenge Grant Programs; Closing Date for Transmittal of Requests for Designation as an Eligible Institution For Fiscal Year 1984

Institutions of higher education that wish to apply for a grant under the Strengthening Program, the Special Needs Program or the Challenge Grant Program, collectively known as the Institutional Aid Programs, are invited to apply for designation as an "eligible institution" under one or more of those programs by submitting a "Request for Designation as an Eligible Institution" form (ED Form 1049-6). The Institutional Aid Programs are authorized under Section 301-347 of Title III of the Higher Education Act of 1965, as amended. (20 U.S.C. 1051-1069c)

The Institutional Aid Programs assist eligible institutions to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management and fiscal capabilities.

To apply for a grant for any of the Institutional Aid Programs, an institution must first be designated as an eligible institution under that program in accordance with the applicable regulations.

Closing date for transmittal of requests: A "Request for Designation as an Eligible Institution" form or the letter described in this notice must be mailed or hand-delivered by October 14, 1983.

Requests delivered by mail: A request sent by mail must be addressed to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23888, Washington, D.C. 20024.

Proof of mailing must consist of one of the following:

1. A legibly dated U.S. Postal Service postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commercial carrier.

4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If a request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its request for designation as an eligible institution will not be considered for the FY 1984 funding cycle.

Request delivered by hand: A request that is hand-delivered must be taken to the Evaluation Section, Division of Institutional Development, Room 3045, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. Hand-delivered requests must be received by the staff of the Evaluation Section.

The staff of the Evaluation Section will accept the receipt hand-delivered requests between 9:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Saturdays, Sundays, and Federal holidays.

A request that is hand-delivered will not be accepted after 4:30 p.m. on October 14, 1983.

Request forms: Eligibility request forms (ED Form 1049-6; OMB Approval 1840-0103) are expected to be ready for mailing by September 16, 1983. Any institution wishing to obtain a request form must write to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

Applicable regulations: Regulations applicable to the eligibility process include the Institutional Aid Programs General Provisions Regulations, 34 CFR 624.2, 624.3 and 624.20; the Strengthening Program Regulations, 34 CFR 625.2 and 625.3; the Special Needs Program Regulations, 34 CFR 626.2 and 626.3; and the Challenge Grant Program Regulations, 34 CFR 627.2. These regulations were published in the *Federal Register* of January 5, 1982, 47 FR 540-557.

Program information: In an effort to award new grants earlier in the fiscal year under the Strengthening Program, Special Needs Program and Challenge Grant Program, the Secretary is establishing October 14, 1983 as the closing date for institutions to submit their requests to be designated eligible institutions under each of those programs for the fiscal year 1984 grant award cycle. The Secretary will use award year 1980-81 (July 1, 1980-June 30, 1981) as the base year for calculating an institution's eligibility under § 625.2(a) (2), (3) and (4) of the Strengthening Program § 626.2(a) (2), (3) and (4) of the Special Needs Program, and § 627.2(d)(2) of the Challenge Grant Program.

Because the Secretary is using the same base year (award year 1980-1981) to establish eligibility for the FY 1984 grant award cycle that was used to establish eligibility for the FY 1983 grant award cycle, the Secretary will consider any institution that was designated as an eligible institution for a particular program for the FY 1983 grant award cycle to be an eligible institution for that program for the FY 1984 grant award cycle if the institution submits a letter indicating the institution was designated eligible under the appropriate program(s) in FY 1983 and that the institution wishes to maintain eligibility for FY 1984. In the case of institutions designated eligible under the Special Needs Program, the letter must include the institution's Fall 1983 full-time equivalent enrollment. This letter must

be postmarked by October 14, 1983 and signed by the appropriate certifying official at the institution. However, institutions are advised that if they were designated as an eligible institution only for the Special Needs Program for the fiscal year 1983 grant award cycle and now wish to be designated as an eligible institution for the Strengthening Program for the 1984 grant award cycle, or *vice versa*, they must submit an eligibility request form (ED Form 1049-6) before the October 14, 1983 closing date to be so designated for the new program.

Institutions that were designated ineligible using base year 1980-81 may reapply for eligibility in FY 1984. Any corrected data submitted by these institutions must be submitted using ED Form 1049-6 (Request Form) and postmarked by midnight October 14, 1983.

Institutions must submit E & G expenditure data for the 12-month period on which they reported in the "Higher Education General Information Survey (HEGIS XVI), Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1981."

The Department of Education will use Pell Grant data currently on file in the Department in making its determinations under the financial aid eligibility criteria in 34 CFR 625.2 and 626.2. The Department will use the data corrected and updated as of October 28, 1983. *However, the Request Form and any other corrections submitted by institutions to the Evaluation Section must be postmarked by October 14, 1983.*

Conversion tables which explain how the Secretary assigns points to institutions applying for eligibility designation are published as an

appendix to this Notice.

Under the Challenge Grant Program Regulations, § 627.2(e), the Secretary is authorized to waive requirements set forth in § 624.2(b)(2) of the Institutional Aid Programs-General Provisions. In Fiscal Year 1984, the Secretary chooses not to waive these requirements.

Institutions are urged to submit the form titled "Request for Designation as an Eligible Institution—ED Form 1049-6" (Request Form) well in advance of the October 14, 1983 closing date. Request Forms will be processed in the order they are received and all institutions will be notified about their eligibility status as soon as possible. The secretary permits no new information or adjustments to the information submitted on the Request Form after the October 14, 1983 closing date. However, amendments to the Request Form will be accepted if those amendments are submitted before that date.

An institution that does not submit a complete eligibility form or the letter described in this notice by October 14, 1983 will not be eligible to apply for an Institutional Aid Program grant under any FY 1984 Title III grant competition.

Further Information: For further information, contact the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024. Telephone (202) 245-2338. (20 U.S.C. 1051-1069c).

(Catalog of Federal Domestic Assistance Number: 84.031 Institutional Aid Programs)

Dated: September 2, 1983.

T. H. Bell,

Secretary for Education.

Fiscal Year 1984 Competition

National Standards for Determining Institutional Eligibility for the Title III Institutional Aid Programs

THRESHOLD CHART

Categories of potentially eligible institutions	Minimum thresholds			
	Strengthening program		Special needs program	
	Overall threshold	Waiver threshold	Overall threshold	Waiver threshold
Two-Year Public Institutions	147	98	92	46
Two-Year Non-profit Private Institutions	144	96	103	52
Four-Year Public Institutions	187	125	127	64
Four-Year Non-profit Private Institutions	188	125	130	65
Graduate Public Institutions ¹				26
Graduate Non-profit Private Institutions ¹				76

¹ Institutions that do not award bachelor's degrees but do award graduate, postgraduate or professional degrees may request designation for the Challenge Grant Program under the eligibility criteria for the Special Needs Program.

POINT TABLES

The Secretary of Education uses the following tables to determine Title III Institutional Eligibility for FY 1994 (based on 1980-1991 data):

PART-A 1 CONTINUE

PART-A 1 STRENGTHENING

2 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	0.0519	9991.00	51	0.3561	610.20	3280.40
2	0.0520	0.0755	9990.99	52	0.3560	610.20	3280.40
3	0.0756	0.0988	9990.99	53	0.3559	610.20	3280.40
4	0.0989	0.1101	9990.99	54	0.3558	610.20	3280.40
5	0.1102	0.1162	9990.99	55	0.3557	610.20	3280.40
6	0.1163	0.1253	9990.99	56	0.3556	610.20	3280.40
7	0.1254	0.1363	9990.99	57	0.3555	610.20	3280.40
8	0.1364	0.1401	9990.99	58	0.3554	610.20	3280.40
9	0.1402	0.1459	9990.99	59	0.3553	610.20	3280.40
10	0.1460	0.1511	9990.99	60	0.3552	610.20	3280.40
11	0.1512	0.1540	9990.99	61	0.3551	610.20	3280.40
12	0.1541	0.1614	9990.99	62	0.3550	610.20	3280.40
13	0.1615	0.1692	9990.99	63	0.3549	610.20	3280.40
14	0.1693	0.1758	9990.99	64	0.3548	610.20	3280.40
15	0.1759	0.1806	9990.99	65	0.3547	610.20	3280.40
16	0.1807	0.1843	9990.99	66	0.3546	610.20	3280.40
17	0.1844	0.1901	9990.99	67	0.3545	610.20	3280.40
18	0.1902	0.1937	9990.99	68	0.3544	610.20	3280.40
19	0.1938	0.2002	9990.99	69	0.3543	610.20	3280.40
20	0.2003	0.2077	9990.99	70	0.3542	610.20	3280.40
21	0.2078	0.2138	9990.99	71	0.3541	610.20	3280.40
22	0.2139	0.2175	9990.99	72	0.3540	610.20	3280.40
23	0.2176	0.2240	9990.99	73	0.3539	610.20	3280.40
24	0.2241	0.2311	9990.99	74	0.3538	610.20	3280.40
25	0.2312	0.2340	9990.99	75	0.3537	610.20	3280.40
26	0.2347	0.2418	9990.99	76	0.3536	610.20	3280.40
27	0.2419	0.2480	9990.99	77	0.3535	610.20	3280.40
28	0.2481	0.2509	9990.99	78	0.3534	610.20	3280.40
29	0.2510	0.2556	9990.99	79	0.3533	610.20	3280.40
30	0.2557	0.2611	9990.99	80	0.3532	610.20	3280.40
31	0.2612	0.2679	9990.99	81	0.3531	610.20	3280.40
32	0.2680	0.2729	9990.99	82	0.3530	610.20	3280.40
33	0.2730	0.2762	9990.99	83	0.3529	610.20	3280.40
34	0.2763	0.2813	9990.99	84	0.3528	610.20	3280.40
35	0.2814	0.2843	9990.99	85	0.3527	610.20	3280.40
36	0.2844	0.2873	9990.99	86	0.3526	610.20	3280.40
37	0.2874	0.2905	9990.99	87	0.3525	610.20	3280.40
38	0.2906	0.2947	9990.99	88	0.3524	610.20	3280.40
39	0.2948	0.3001	9990.99	89	0.3523	610.20	3280.40
40	0.3002	0.3016	9990.99	90	0.3522	610.20	3280.40
41	0.3017	0.3099	9990.99	91	0.3521	610.20	3280.40
42	0.3100	0.3172	9990.99	92	0.3520	610.20	3280.40
43	0.3173	0.3209	9990.99	93	0.3519	610.20	3280.40
44	0.3205	0.3222	9990.99	94	0.3518	610.20	3280.40
45	0.3223	0.3250	9990.99	95	0.3517	610.20	3280.40
46	0.3259	0.3319	9990.99	96	0.3516	610.20	3280.40
47	0.3315	0.3360	9990.99	97	0.3515	610.20	3280.40
48	0.3367	0.3414	9990.99	98	0.3514	610.20	3280.40
49	0.3419	0.3434	9990.99	99	0.3513	610.20	3280.40
50	0.3459	0.3460	9990.99	100	0.3512	610.20	3280.40

2 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.3561	610.20	3280.40	101	0.3512	610.20	3280.40
52	0.3560	610.20	3280.40	102	0.3511	610.20	3280.40
53	0.3559	610.20	3280.40	103	0.3510	610.20	3280.40
54	0.3558	610.20	3280.40	104	0.3509	610.20	3280.40
55	0.3557	610.20	3280.40	105	0.3508	610.20	3280.40
56	0.3556	610.20	3280.40	106	0.3507	610.20	3280.40
57	0.3555	610.20	3280.40	107	0.3506	610.20	3280.40
58	0.3554	610.20	3280.40	108	0.3505	610.20	3280.40
59	0.3553	610.20	3280.40	109	0.3504	610.20	3280.40
60	0.3552	610.20	3280.40	110	0.3503	610.20	3280.40
61	0.3551	610.20	3280.40	111	0.3502	610.20	3280.40
62	0.3550	610.20	3280.40	112	0.3501	610.20	3280.40
63	0.3549	610.20	3280.40	113	0.3500	610.20	3280.40
64	0.3548	610.20	3280.40	114	0.3499	610.20	3280.40
65	0.3547	610.20	3280.40	115	0.3498	610.20	3280.40
66	0.3546	610.20	3280.40	116	0.3497	610.20	3280.40
67	0.3545	610.20	3280.40	117	0.3496	610.20	3280.40
68	0.3544	610.20	3280.40	118	0.3495	610.20	3280.40
69	0.3543	610.20	3280.40	119	0.3494	610.20	3280.40
70	0.3542	610.20	3280.40	120	0.3493	610.20	3280.40
71	0.3541	610.20	3280.40	121	0.3492	610.20	3280.40
72	0.3540	610.20	3280.40	122	0.3491	610.20	3280.40
73	0.3539	610.20	3280.40	123	0.3490	610.20	3280.40
74	0.3538	610.20	3280.40	124	0.3489	610.20	3280.40
75	0.3537	610.20	3280.40	125	0.3488	610.20	3280.40
76	0.3536	610.20	3280.40	126	0.3487	610.20	3280.40
77	0.3535	610.20	3280.40	127	0.3486	610.20	3280.40
78	0.3534	610.20	3280.40	128	0.3485	610.20	3280.40
79	0.3533	610.20	3280.40	129	0.3484	610.20	3280.40
80	0.3532	610.20	3280.40	130	0.3483	610.20	3280.40
81	0.3531	610.20	3280.40	131	0.3482	610.20	3280.40
82	0.3530	610.20	3280.40	132	0.3481	610.20	3280.40
83	0.3529	610.20	3280.40	133	0.3480	610.20	3280.40
84	0.3528	610.20	3280.40	134	0.3479	610.20	3280.40
85	0.3527	610.20	3280.40	135	0.3478	610.20	3280.40
86	0.3526	610.20	3280.40	136	0.3477	610.20	3280.40
87	0.3525	610.20	3280.40	137	0.3476	610.20	3280.40
88	0.3524	610.20	3280.40	138	0.3475	610.20	3280.40
89	0.3523	610.20	3280.40	139	0.3474	610.20	3280.40
90	0.3522	610.20	3280.40	140	0.3473	610.20	3280.40
91	0.3521	610.20	3280.40	141	0.3472	610.20	3280.40
92	0.3520	610.20	3280.40	142	0.3471	610.20	3280.40
93	0.3519	610.20	3280.40	143	0.3470	610.20	3280.40
94	0.3518	610.20	3280.40	144	0.3469	610.20	3280.40
95	0.3517	610.20	3280.40	145	0.3468	610.20	3280.40
96	0.3516	610.20	3280.40	146	0.3467	610.20	3280.40
97	0.3515	610.20	3280.40	147	0.3466	610.20	3280.40
98	0.3514	610.20	3280.40	148	0.3465	610.20	3280.40
99	0.3513	610.20	3280.40	149	0.3464	610.20	3280.40
100	0.3512	610.20	3280.40	150	0.3463	610.20	3280.40

PART-B: SPECIAL NEEDS

2 YR PUBLIC

POINT	FEU PERCENT	NEED DOLLAR	E AND G
1	0.001	0.01	750.27
2	0.000	422.73	750.26
3	0.000	473.23	6723.95
4	0.070	492.73	6107.29
5	0.005	508.00	6107.28
6	0.008	523.14	5620.62
7	0.102	538.00	5323.37
8	0.100	547.56	5323.36
9	0.171	553.10	5093.01
10	0.126	562.00	4650.78
11	0.130	571.71	4650.78
12	0.145	577.07	4409.32
13	0.150	580.67	4309.79
14	0.153	589.22	4200.09
15	0.153	590.00	4200.09
16	0.160	599.00	4125.45
17	0.165	605.30	4048.31
18	0.163	612.32	3958.04
19	0.152	617.62	3866.34
20	0.162	625.31	3702.31
21	0.160	627.77	3726.73
22	0.160	630.20	3667.59
23	0.202	630.20	3591.85
24	0.203	640.32	3574.25
25	0.225	651.87	3477.24
26	0.220	657.12	3422.18
27	0.221	662.00	3377.33
28	0.243	667.00	3320.10
29	0.241	673.00	3220.15
30	0.240	682.00	3200.00
31	0.240	686.33	3160.73
32	0.243	688.33	3107.74
33	0.250	688.33	3093.82
34	0.270	700.00	3045.97
35	0.260	705.00	3001.20
36	0.260	710.00	2993.01
37	0.260	710.00	2901.20
38	0.302	722.00	2893.01
39	0.350	727.00	2700.00
40	0.350	727.00	2700.00
41	0.350	735.22	2700.00
42	0.350	735.22	2700.00
43	0.350	735.22	2700.00
44	0.350	735.22	2700.00
45	0.350	735.22	2700.00
46	0.350	735.22	2700.00
47	0.350	735.22	2700.00
48	0.350	735.22	2700.00
49	0.350	735.22	2700.00
50	0.350	735.22	2700.00

PART 4 - STRENGTHENING

2 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	0.0001	2390.55	51	0.5359	971.00	3139.21
2	0.0059	0.1184	2390.59	52	0.5408	975.35	3125.70
3	0.1439	0.1123	1358.03	53	0.5520	975.15	3105.30
4	0.1724	0.1064	11939.91	54	0.5576	976.75	3105.29
5	0.1885	0.1004	9700.19	55	0.5577	978.77	3079.30
6	0.2172	0.1004	8745.04	56	0.5683	980.59	3069.20
7	0.2231	0.1004	8205.04	57	0.5683	980.59	3027.20
8	0.2231	0.1004	7845.12	58	0.5683	980.59	2983.25
9	0.2231	0.1004	7400.04	59	0.5683	980.59	2951.05
10	0.2231	0.1004	7207.54	60	0.5683	980.59	2926.42
11	0.2231	0.1004	6726.89	61	0.5683	980.59	2788.01
12	0.2231	0.1004	6409.95	62	0.5683	980.59	2741.12
13	0.2231	0.1004	6090.95	63	0.5683	980.59	2715.40
14	0.2231	0.1004	5904.89	64	0.5683	980.59	2645.00
15	0.2231	0.1004	5826.82	65	0.5683	980.59	2556.16
16	0.2231	0.1004	5511.00	66	0.5683	980.59	2525.34
17	0.2231	0.1004	5320.79	67	0.5683	980.59	2499.14
18	0.2231	0.1004	5133.55	68	0.5683	980.59	2475.09
19	0.2231	0.1004	5007.80	69	0.5683	980.59	2441.93
20	0.2231	0.1004	4924.00	70	0.5683	980.59	2411.92
21	0.2231	0.1004	4762.96	71	0.5683	980.59	2381.71
22	0.2231	0.1004	4639.38	72	0.5683	980.59	2350.82
23	0.2231	0.1004	4511.24	73	0.5683	980.59	2329.70
24	0.2231	0.1004	4377.54	74	0.5683	980.59	2295.74
25	0.2231	0.1004	4245.04	75	0.5683	980.59	2259.66
26	0.2231	0.1004	4114.04	76	0.5683	980.59	2189.66
27	0.2231	0.1004	3983.54	77	0.5683	980.59	2151.69
28	0.2231	0.1004	3853.54	78	0.5683	980.59	2113.75
29	0.2231	0.1004	3723.54	79	0.5683	980.59	2075.81
30	0.2231	0.1004	3593.54	80	0.5683	980.59	2037.87
31	0.2231	0.1004	3463.54	81	0.5683	980.59	1999.93
32	0.2231	0.1004	3333.54	82	0.5683	980.59	1961.99
33	0.2231	0.1004	3203.54	83	0.5683	980.59	1923.99
34	0.2231	0.1004	3073.54	84	0.5683	980.59	1885.99
35	0.2231	0.1004	2943.54	85	0.5683	980.59	1847.99
36	0.2231	0.1004	2813.54	86	0.5683	980.59	1809.99
37	0.2231	0.1004	2683.54	87	0.5683	980.59	1771.99
38	0.2231	0.1004	2553.54	88	0.5683	980.59	1733.99
39	0.2231	0.1004	2423.54	89	0.5683	980.59	1695.99
40	0.2231	0.1004	2293.54	90	0.5683	980.59	1657.99
41	0.2231	0.1004	2163.54	91	0.5683	980.59	1619.99
42	0.2231	0.1004	2033.54	92	0.5683	980.59	1581.99
43	0.2231	0.1004	1903.54	93	0.5683	980.59	1543.99
44	0.2231	0.1004	1773.54	94	0.5683	980.59	1505.99
45	0.2231	0.1004	1643.54	95	0.5683	980.59	1467.99
46	0.2231	0.1004	1513.54	96	0.5683	980.59	1429.99
47	0.2231	0.1004	1383.54	97	0.5683	980.59	1391.99
48	0.2231	0.1004	1253.54	98	0.5683	980.59	1353.99
49	0.2231	0.1004	1123.54	99	0.5683	980.59	1315.99
50	0.2231	0.1004	993.54	100	0.5683	980.59	1277.99

PART 4 - CONTINUE

2 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.5359	971.00	3139.21	51	0.5359	971.00	3139.21
52	0.5408	975.35	3125.70	52	0.5408	975.35	3125.70
53	0.5520	975.15	3105.30	53	0.5520	975.15	3105.30
54	0.5576	976.75	3105.29	54	0.5576	976.75	3105.29
55	0.5577	978.77	3079.30	55	0.5577	978.77	3079.30
56	0.5683	980.59	3069.20	56	0.5683	980.59	3069.20
57	0.5683	980.59	3027.20	57	0.5683	980.59	3027.20
58	0.5683	980.59	2983.25	58	0.5683	980.59	2983.25
59	0.5683	980.59	2951.05	59	0.5683	980.59	2951.05
60	0.5683	980.59	2926.42	60	0.5683	980.59	2926.42
61	0.5683	980.59	2788.01	61	0.5683	980.59	2788.01
62	0.5683	980.59	2741.12	62	0.5683	980.59	2741.12
63	0.5683	980.59	2715.40	63	0.5683	980.59	2715.40
64	0.5683	980.59	2645.00	64	0.5683	980.59	2645.00
65	0.5683	980.59	2556.16	65	0.5683	980.59	2556.16
66	0.5683	980.59	2525.34	66	0.5683	980.59	2525.34
67	0.5683	980.59	2499.14	67	0.5683	980.59	2499.14
68	0.5683	980.59	2475.09	68	0.5683	980.59	2475.09
69	0.5683	980.59	2441.93	69	0.5683	980.59	2441.93
70	0.5683	980.59	2411.92	70	0.5683	980.59	2411.92
71	0.5683	980.59	2381.71	71	0.5683	980.59	2381.71
72	0.5683	980.59	2350.82	72	0.5683	980.59	2350.82
73	0.5683	980.59	2329.70	73	0.5683	980.59	2329.70
74	0.5683	980.59	2295.74	74	0.5683	980.59	2295.74
75	0.5683	980.59	2259.66	75	0.5683	980.59	2259.66
76	0.5683	980.59	2189.66	76	0.5683	980.59	2189.66
77	0.5683	980.59	2151.69	77	0.5683	980.59	2151.69
78	0.5683	980.59	2113.75	78	0.5683	980.59	2113.75
79	0.5683	980.59	2075.81	79	0.5683	980.59	2075.81
80	0.5683	980.59	2037.87	80	0.5683	980.59	2037.87
81	0.5683	980.59	1999.93	81	0.5683	980.59	1999.93
82	0.5683	980.59	1961.99	82	0.5683	980.59	1961.99
83	0.5683	980.59	1923.99	83	0.5683	980.59	1923.99
84	0.5683	980.59	1885.99	84	0.5683	980.59	1885.99
85	0.5683	980.59	1847.99	85	0.5683	980.59	1847.99
86	0.5683	980.59	1809.99	86	0.5683	980.59	1809.99
87	0.5683	980.59	1771.99	87	0.5683	980.59	1771.99
88	0.5683	980.59	1733.99	88	0.5683	980.59	1733.99
89	0.5683	980.59	1695.99	89	0.5683	980.59	1695.99
90	0.5683	980.59	1657.99	90	0.5683	980.59	1657.99
91	0.5683	980.59	1619.99	91	0.5683	980.59	1619.99
92	0.5683	980.59	1581.99	92	0.5683	980.59	1581.99
93	0.5683	980.59	1543.99	93	0.5683	980.59	1543.99
94	0.5683	980.59	1505.99	94	0.5683	980.59	1505.99
95	0.5683	980.59	1467.99	95	0.5683	980.59	1467.99
96	0.5683	980.59	1429.99	96	0.5683	980.59	1429.99
97	0.5683	980.59	1391.99	97	0.5683	980.59	1391.99
98	0.5683	980.59	1353.99	98	0.5683	980.59	1353.99
99	0.5683	980.59	1315.99	99	0.5683	980.59	1315.99
100	0.5683	980.59	1277.99	100	0.5683	980.59	1277.99

PART 1 SPECIAL NEEDS

2 YR PRIVATE

POINT	NEED PERCENT	NEED DOLLAR	E AND S
1	0.001	0.01	1354.04
2	0.005	597.45	1354.03
3	0.010	635.26	979.19
4	0.015	655.37	8295.22
5	0.020	669.37	7400.05
6	0.025	688.23	7400.05
7	0.030	712.98	6922.82
8	0.035	725.95	6609.96
9	0.040	738.72	6609.95
10	0.045	758.00	5994.91
11	0.050	769.18	5511.11
12	0.055	778.69	5320.80
13	0.060	786.69	5007.62
14	0.065	800.13	4762.96
15	0.070	813.47	4571.25
16	0.075	820.69	4371.53
17	0.080	830.19	4161.16
18	0.085	839.09	4010.20
19	0.090	854.07	3854.20
20	0.095	868.12	3799.00
21	0.100	872.43	3599.00
22	0.105	882.69	3599.00
23	0.110	893.77	3599.00
24	0.115	900.63	3599.00
25	0.120	909.63	3599.00
26	0.125	916.92	3599.00
27	0.130	927.43	3599.00
28	0.135	934.22	3599.00
29	0.140	946.21	3599.00
30	0.145	951.03	3599.00
31	0.150	956.99	3599.00
32	0.155	963.00	3599.00
33	0.160	969.21	3599.00
34	0.165	976.49	3599.00
35	0.170	984.33	3599.00
36	0.175	994.00	3599.00
37	0.180	1005.75	3599.00
38	0.185	1019.77	3599.00
39	0.190	1026.60	3599.00
40	0.195	1034.47	3599.00
41	0.200	1043.27	3599.00
42	0.205	1053.00	3599.00
43	0.210	1063.69	3599.00
44	0.215	1075.27	3599.00
45	0.220	1087.74	3599.00
46	0.225	1101.19	3599.00
47	0.230	1115.64	3599.00
48	0.235	1131.09	3599.00
49	0.240	1147.54	3599.00
50	0.245	1164.99	3599.00
51	0.250	1183.44	3599.00
52	0.255	1202.89	3599.00
53	0.260	1223.34	3599.00
54	0.265	1244.79	3599.00
55	0.270	1267.24	3599.00
56	0.275	1290.69	3599.00
57	0.280	1315.14	3599.00
58	0.285	1340.59	3599.00
59	0.290	1367.04	3599.00
60	0.295	1394.49	3599.00
61	0.300	1422.94	3599.00
62	0.305	1452.39	3599.00
63	0.310	1482.84	3599.00
64	0.315	1514.29	3599.00
65	0.320	1546.74	3599.00
66	0.325	1580.19	3599.00
67	0.330	1614.64	3599.00
68	0.335	1650.09	3599.00
69	0.340	1686.54	3599.00
70	0.345	1723.99	3599.00
71	0.350	1762.44	3599.00
72	0.355	1801.89	3599.00
73	0.360	1842.34	3599.00
74	0.365	1883.79	3599.00
75	0.370	1926.24	3599.00
76	0.375	1969.69	3599.00
77	0.380	2014.14	3599.00
78	0.385	2059.59	3599.00
79	0.390	2106.04	3599.00
80	0.395	2153.49	3599.00
81	0.400	2201.94	3599.00
82	0.405	2251.39	3599.00
83	0.410	2301.84	3599.00
84	0.415	2353.29	3599.00
85	0.420	2405.74	3599.00
86	0.425	2459.19	3599.00
87	0.430	2513.64	3599.00
88	0.435	2569.09	3599.00
89	0.440	2625.54	3599.00
90	0.445	2682.99	3599.00
91	0.450	2741.44	3599.00
92	0.455	2800.89	3599.00
93	0.460	2861.34	3599.00
94	0.465	2922.79	3599.00
95	0.470	2985.24	3599.00
96	0.475	3048.69	3599.00
97	0.480	3113.14	3599.00
98	0.485	3178.59	3599.00
99	0.490	3245.04	3599.00
100	0.495	3312.49	3599.00
101	0.500	3380.94	3599.00
102	0.505	3450.39	3599.00
103	0.510	3520.84	3599.00
104	0.515	3592.29	3599.00
105	0.520	3664.74	3599.00
106	0.525	3738.19	3599.00
107	0.530	3812.64	3599.00
108	0.535	3888.09	3599.00
109	0.540	3964.54	3599.00
110	0.545	4041.99	3599.00
111	0.550	4120.44	3599.00
112	0.555	4199.89	3599.00
113	0.560	4280.34	3599.00
114	0.565	4361.79	3599.00
115	0.570	4444.24	3599.00
116	0.575	4527.69	3599.00
117	0.580	4612.14	3599.00
118	0.585	4697.59	3599.00
119	0.590	4784.04	3599.00
120	0.595	4871.49	3599.00
121	0.600	4960.94	3599.00
122	0.605	5052.39	3599.00
123	0.610	5144.84	3599.00
124	0.615	5238.29	3599.00
125	0.620	5332.74	3599.00
126	0.625	5428.19	3599.00
127	0.630	5524.64	3599.00
128	0.635	5622.09	3599.00
129	0.640	5720.54	3599.00
130	0.645	5820.99	3599.00
131	0.650	5922.44	3599.00
132	0.655	6024.89	3599.00
133	0.660	6128.34	3599.00
134	0.665	6232.79	3599.00
135	0.670	6338.24	3599.00
136	0.675	6444.69	3599.00
137	0.680	6552.14	3599.00
138	0.685	6660.59	3599.00
139	0.690	6770.04	3599.00
140	0.695	6880.49	3599.00
141	0.700	6991.94	3599.00
142	0.705	7104.39	3599.00
143	0.710	7217.84	3599.00
144	0.715	7332.29	3599.00
145	0.720	7447.74	3599.00
146	0.725	7564.19	3599.00
147	0.730	7681.64	3599.00
148	0.735	7800.09	3599.00
149	0.740	7919.54	3599.00
150	0.745	8040.99	3599.00
151	0.750	8163.44	3599.00
152	0.755	8286.89	3599.00
153	0.760	8411.34	3599.00
154	0.765	8536.79	3599.00
155	0.770	8663.24	3599.00
156	0.775	8790.69	3599.00
157	0.780	8919.14	3599.00
158	0.785	9048.59	3599.00
159	0.790	9179.04	3599.00
160	0.795	9310.49	3599.00
161	0.800	9442.94	3599.00
162	0.805	9576.39	3599.00
163	0.810	9710.84	3599.00
164	0.815	9846.29	3599.00
165	0.820	9982.74	3599.00
166	0.825	10120.19	3599.00
167	0.830	10258.64	3599.00
168	0.835	10408.09	3599.00
169	0.840	10558.54	3599.00
170	0.845	10709.99	3599.00
171	0.850	10862.44	3599.00
172	0.855	11015.89	3599.00
173	0.860	11170.34	3599.00
174	0.865	11325.79	3599.00
175	0.870	11482.24	3599.00
176	0.875	11639.69	3599.00
177	0.880	11798.14	3599.00
178	0.885	11957.59	3599.00
179	0.890	12118.04	3599.00
180	0.895	12279.49	3599.00
181	0.900	12441.94	3599.00
182	0.905	12605.39	3599.00
183	0.910	12769.84	3599.00
184	0.915	12935.29	3599.00
185	0.920	13101.74	3599.00
186	0.925	13269.19	3599.00
187	0.930	13437.64	3599.00
188	0.935	13607.09	3599.00
189	0.940	13777.54	3599.00
190	0.945	13948.99	3599.00
191	0.950	14121.44	3599.00
192	0.955	14294.89	3599.00
193	0.960	14469.34	3599.00
194	0.965	14644.79	3599.00
195	0.970	14821.24	3599.00
196	0.975	15008.69	3599.00
197	0.980	15197.14	3599.00
198	0.985	15387.59	3599.00
199	0.990	15579.04	3599.00
200	0.995	15771.49	3599.00
201	1.000	15964.94	3599.00

PART 4: STRENGTHENING

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G	POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0011	0.1139	22191.80	51	0.3242	0.3267	3944.33
2	0.1100	0.1332	22191.87	52	0.3268	0.3276	3944.33
3	0.1333	0.1520	18000.82	53	0.3277	0.3310	3944.33
4	0.1500	0.1599	15070.79	54	0.3331	0.3355	3944.33
5	0.1670	0.1670	11645.28	55	0.3356	0.3395	3944.33
6	0.1833	0.1720	10423.43	56	0.3396	0.3439	3944.33
7	0.1722	0.1842	9921.34	57	0.3435	0.3499	3944.33
8	0.1833	0.1857	9916.44	58	0.3470	0.3518	3944.33
9	0.1833	0.1918	8146.31	59	0.3519	0.3553	3944.33
10	0.1909	0.1963	7843.65	60	0.3554	0.3580	3944.33
11	0.1909	0.1963	7336.43	61	0.3581	0.3610	3944.33
12	0.2003	0.2063	7336.43	62	0.3611	0.3622	3944.33
13	0.2003	0.2063	7068.48	63	0.3623	0.3640	3944.33
14	0.2003	0.2063	6824.30	64	0.3641	0.3676	3944.33
15	0.2100	0.2209	6507.97	65	0.3677	0.3749	3944.33
16	0.2200	0.2226	6499.61	66	0.3750	0.3781	3944.33
17	0.2300	0.2326	6230.34	67	0.3782	0.3820	3944.33
18	0.2300	0.2326	6112.49	68	0.3821	0.3861	3944.33
19	0.2327	0.2340	6005.04	69	0.3862	0.3911	3944.33
20	0.2331	0.2376	5918.32	70	0.3912	0.3995	3944.33
21	0.2337	0.2405	5822.14	71	0.3996	0.4042	3944.33
22	0.2400	0.2442	5790.42	72	0.4043	0.4082	3944.33
23	0.2443	0.2459	5681.97	73	0.4083	0.4109	3944.33
24	0.2443	0.2483	5573.33	74	0.4110	0.4122	3944.33
25	0.2500	0.2545	5533.62	75	0.4213	0.4270	3944.33
26	0.2500	0.2545	5272.06	76	0.4271	0.4339	3944.33
27	0.2500	0.2562	5227.30	77	0.4340	0.4402	3944.33
28	0.2500	0.2575	5087.66	78	0.4340	0.4402	3944.33
29	0.2500	0.2604	4983.73	79	0.4370	0.4504	3944.33
30	0.2600	0.2649	4862.77	80	0.4591	0.4699	3944.33
31	0.2600	0.2693	4823.04	81	0.4700	0.4815	3944.33
32	0.2700	0.2727	4823.04	82	0.4816	0.4971	3944.33
33	0.2700	0.2763	4762.14	83	0.4972	0.5094	3944.33
34	0.2700	0.2813	4687.64	84	0.5099	0.5176	3944.33
35	0.2800	0.2843	4628.14	85	0.5176	0.5293	3944.33
36	0.2800	0.2850	4503.24	86	0.5293	0.5494	3944.33
37	0.2800	0.2884	4400.69	87	0.5494	0.5629	3944.33
38	0.2800	0.2923	4307.66	88	0.5629	0.5730	3944.33
39	0.2900	0.2935	4207.35	89	0.5730	0.5804	3944.33
40	0.2900	0.2965	4148.35	90	0.6004	0.6137	3944.33
41	0.2900	0.2977	4071.65	91	0.6136	0.6302	3944.33
42	0.2900	0.3035	3952.26	92	0.6302	0.6461	3944.33
43	0.3000	0.3047	3805.74	93	0.6461	0.6631	3944.33
44	0.3000	0.3075	3652.37	94	0.6631	0.6804	3944.33
45	0.3000	0.3133	3505.20	95	0.6804	0.7011	3944.33
46	0.3100	0.3192	3414.04	96	0.7011	0.7219	3944.33
47	0.3100	0.3213	3337.49	97	0.7219	0.7427	3944.33
48	0.3100	0.3213	3252.26	98	0.7427	0.7635	3944.33
49	0.3100	0.3213	3167.49	99	0.7635	0.7843	3944.33
50	0.3100	0.3241	3086.59	100	0.7843	0.8051	3944.33

PART 4: CONTINUE

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.3242	0.3267	3944.33
52	0.3268	0.3276	3944.33
53	0.3277	0.3310	3944.33
54	0.3331	0.3355	3944.33
55	0.3356	0.3395	3944.33
56	0.3396	0.3439	3944.33
57	0.3435	0.3499	3944.33
58	0.3470	0.3518	3944.33
59	0.3519	0.3553	3944.33
60	0.3554	0.3580	3944.33
61	0.3581	0.3610	3944.33
62	0.3611	0.3622	3944.33
63	0.3623	0.3640	3944.33
64	0.3641	0.3676	3944.33
65	0.3677	0.3749	3944.33
66	0.3750	0.3781	3944.33
67	0.3782	0.3820	3944.33
68	0.3821	0.3861	3944.33
69	0.3862	0.3911	3944.33
70	0.3912	0.3995	3944.33
71	0.3996	0.4042	3944.33
72	0.4043	0.4082	3944.33
73	0.4083	0.4109	3944.33
74	0.4110	0.4122	3944.33
75	0.4213	0.4270	3944.33
76	0.4271	0.4339	3944.33
77	0.4340	0.4402	3944.33
78	0.4340	0.4402	3944.33
79	0.4370	0.4504	3944.33
80	0.4591	0.4699	3944.33
81	0.4700	0.4815	3944.33
82	0.4816	0.4971	3944.33
83	0.4972	0.5094	3944.33
84	0.5099	0.5176	3944.33
85	0.5176	0.5293	3944.33
86	0.5293	0.5494	3944.33
87	0.5494	0.5629	3944.33
88	0.5629	0.5730	3944.33
89	0.5730	0.5804	3944.33
90	0.6004	0.6137	3944.33
91	0.6136	0.6302	3944.33
92	0.6302	0.6461	3944.33
93	0.6461	0.6631	3944.33
94	0.6631	0.6804	3944.33
95	0.6804	0.7011	3944.33
96	0.7011	0.7219	3944.33
97	0.7219	0.7427	3944.33
98	0.7427	0.7635	3944.33
99	0.7635	0.7843	3944.33
100	0.7843	0.8051	3944.33

PARTIAL SPECIAL NEEDS

P.T. P-LIC

POINT	NEED PERCENT	NEED DOLLAR	E AND S
1	0.0001	0.0004	1000.03
2	0.0007	0.0013	1000.02
3	0.0013	0.0024	1045.29
4	0.0023	0.0041	1045.28
5	0.0035	0.0067	921.36
6	0.0045	0.0091	921.36
7	0.0055	0.0110	753.03
8	0.0065	0.0134	753.03
9	0.0075	0.0153	706.06
10	0.0085	0.0168	650.07
11	0.0095	0.0176	623.05
12	0.0105	0.0185	600.05
13	0.0115	0.0195	582.10
14	0.0125	0.0204	561.07
15	0.0135	0.0214	533.63
16	0.0145	0.0224	522.31
17	0.0155	0.0234	503.29
18	0.0165	0.0244	482.76
19	0.0175	0.0254	462.14
20	0.0185	0.0264	442.09
21	0.0195	0.0274	423.27
22	0.0205	0.0284	400.00
23	0.0215	0.0294	380.00
24	0.0225	0.0304	360.00
25	0.0235	0.0314	340.00
26	0.0245	0.0324	320.00
27	0.0255	0.0334	300.00
28	0.0265	0.0344	280.00
29	0.0275	0.0354	260.00
30	0.0285	0.0364	240.00
31	0.0295	0.0374	220.00
32	0.0305	0.0384	200.00
33	0.0315	0.0394	180.00
34	0.0325	0.0404	160.00
35	0.0335	0.0414	140.00
36	0.0345	0.0424	120.00
37	0.0355	0.0434	100.00
38	0.0365	0.0444	80.00
39	0.0375	0.0454	60.00
40	0.0385	0.0464	40.00
41	0.0395	0.0474	20.00
42	0.0405	0.0484	10.00
43	0.0415	0.0494	0.00
44	0.0425	0.0504	0.00
45	0.0435	0.0514	0.00
46	0.0445	0.0524	0.00
47	0.0455	0.0534	0.00
48	0.0465	0.0544	0.00
49	0.0475	0.0554	0.00
50	0.0485	0.0564	0.00

PART 4: CONTINUING

* 12 PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.3750	1030.64	4770.39
52	0.3750	1033.35	4786.50
53	0.3750	1035.77	4802.49
54	0.3750	1038.40	4818.26
55	0.3750	1040.71	4833.93
56	0.3750	1042.27	4849.50
57	0.3750	1043.80	4865.07
58	0.3750	1045.36	4880.64
59	0.3750	1046.91	4896.21
60	0.3750	1048.46	4911.78
61	0.3750	1050.01	4927.35
62	0.3750	1051.56	4942.92
63	0.3750	1053.11	4958.49
64	0.3750	1054.66	4974.06
65	0.3750	1056.21	4989.63
66	0.3750	1057.76	5005.20
67	0.3750	1059.31	5020.77
68	0.3750	1060.86	5036.34
69	0.3750	1062.41	5051.91
70	0.3750	1063.96	5067.48
71	0.3750	1065.51	5083.05
72	0.3750	1067.06	5098.62
73	0.3750	1068.61	5114.19
74	0.3750	1070.16	5129.76
75	0.3750	1071.71	5145.33
76	0.3750	1073.26	5160.90
77	0.3750	1074.81	5176.47
78	0.3750	1076.36	5192.04
79	0.3750	1077.91	5207.61
80	0.3750	1079.46	5223.18
81	0.3750	1081.01	5238.75
82	0.3750	1082.56	5254.32
83	0.3750	1084.11	5269.89
84	0.3750	1085.66	5285.46
85	0.3750	1087.21	5301.03
86	0.3750	1088.76	5316.60
87	0.3750	1090.31	5332.17
88	0.3750	1091.86	5347.74
89	0.3750	1093.41	5363.31
90	0.3750	1094.96	5378.88
91	0.3750	1096.51	5394.45
92	0.3750	1098.06	5409.02
93	0.3750	1099.61	5424.59
94	0.3750	1101.16	5440.16
95	0.3750	1102.71	5455.73
96	0.3750	1104.26	5471.30
97	0.3750	1105.81	5486.87
98	0.3750	1107.36	5502.44
99	0.3750	1108.91	5518.01
100	0.3750	1110.46	5533.58

PART 4: STRENGTHENING

* 12 PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	0.01	20062.09
2	0.0005	0.05	20062.09
3	0.0010	0.10	20062.09
4	0.0015	0.15	20062.09
5	0.0020	0.20	20062.09
6	0.0025	0.25	20062.09
7	0.0030	0.30	20062.09
8	0.0035	0.35	20062.09
9	0.0040	0.40	20062.09
10	0.0045	0.45	20062.09
11	0.0050	0.50	20062.09
12	0.0055	0.55	20062.09
13	0.0060	0.60	20062.09
14	0.0065	0.65	20062.09
15	0.0070	0.70	20062.09
16	0.0075	0.75	20062.09
17	0.0080	0.80	20062.09
18	0.0085	0.85	20062.09
19	0.0090	0.90	20062.09
20	0.0095	0.95	20062.09
21	0.0100	1.00	20062.09
22	0.0105	1.05	20062.09
23	0.0110	1.10	20062.09
24	0.0115	1.15	20062.09
25	0.0120	1.20	20062.09
26	0.0125	1.25	20062.09
27	0.0130	1.30	20062.09
28	0.0135	1.35	20062.09
29	0.0140	1.40	20062.09
30	0.0145	1.45	20062.09
31	0.0150	1.50	20062.09
32	0.0155	1.55	20062.09
33	0.0160	1.60	20062.09
34	0.0165	1.65	20062.09
35	0.0170	1.70	20062.09
36	0.0175	1.75	20062.09
37	0.0180	1.80	20062.09
38	0.0185	1.85	20062.09
39	0.0190	1.90	20062.09
40	0.0195	1.95	20062.09
41	0.0200	2.00	20062.09
42	0.0205	2.05	20062.09
43	0.0210	2.10	20062.09
44	0.0215	2.15	20062.09
45	0.0220	2.20	20062.09
46	0.0225	2.25	20062.09
47	0.0230	2.30	20062.09
48	0.0235	2.35	20062.09
49	0.0240	2.40	20062.09
50	0.0245	2.45	20062.09

PARTIAL SPECIAL NEEDS

U.S. PRIVATE

POINT	NEED PERCENT	NEED DOLLAR	E AND S
1	0.001	0.01	1052.07
2	0.001	0.01	1052.07
3	0.001	0.01	1052.07
4	0.001	0.01	1052.07
5	0.001	0.01	1052.07
6	0.001	0.01	1052.07
7	0.001	0.01	1052.07
8	0.001	0.01	1052.07
9	0.001	0.01	1052.07
10	0.001	0.01	1052.07
11	0.001	0.01	1052.07
12	0.001	0.01	1052.07
13	0.001	0.01	1052.07
14	0.001	0.01	1052.07
15	0.001	0.01	1052.07
16	0.001	0.01	1052.07
17	0.001	0.01	1052.07
18	0.001	0.01	1052.07
19	0.001	0.01	1052.07
20	0.001	0.01	1052.07
21	0.001	0.01	1052.07
22	0.001	0.01	1052.07
23	0.001	0.01	1052.07
24	0.001	0.01	1052.07
25	0.001	0.01	1052.07
26	0.001	0.01	1052.07
27	0.001	0.01	1052.07
28	0.001	0.01	1052.07
29	0.001	0.01	1052.07
30	0.001	0.01	1052.07
31	0.001	0.01	1052.07
32	0.001	0.01	1052.07
33	0.001	0.01	1052.07
34	0.001	0.01	1052.07
35	0.001	0.01	1052.07
36	0.001	0.01	1052.07
37	0.001	0.01	1052.07
38	0.001	0.01	1052.07
39	0.001	0.01	1052.07
40	0.001	0.01	1052.07
41	0.001	0.01	1052.07
42	0.001	0.01	1052.07
43	0.001	0.01	1052.07
44	0.001	0.01	1052.07
45	0.001	0.01	1052.07
46	0.001	0.01	1052.07
47	0.001	0.01	1052.07
48	0.001	0.01	1052.07
49	0.001	0.01	1052.07
50	0.001	0.01	1052.07

PART - B: SPECIAL NEEDS
GRADUATE PRIVATE

POINT	NEED PERCENT	NEED DOLLAR
1	0.0001	0.01
2	0.0222	516.17
3	0.0355	762.63
4	0.0377	740.63
5	0.0663	835.12
6	0.0760	838.61
7	0.0871	838.62
8	0.0909	876.53
9	0.1000	892.36
10	0.1031	917.57
11	0.1074	926.45
12	0.1144	926.57
13	0.1205	949.23
14	0.1222	960.09
15	0.1277	1005.78
16	0.1327	1113.76
17	0.1371	1133.94
18	0.1414	1139.94
19	0.1445	1145.00
20	0.1488	1156.93
21	0.1597	1168.61
22	0.1664	1186.57
23	0.1699	1232.05
24	0.1651	1249.58
25	0.1758	1250.96
26	0.1765	1270.50
27	0.1838	1270.85
28	0.2011	1317.33
29	0.2219	1337.43
30	0.2260	1347.02
31	0.2265	1362.02
32	0.2400	1432.50
33	0.2435	1458.74
34	0.2603	1479.59
35	0.2609	1479.80
36	0.2619	1504.88
37	0.2657	1522.47
38	0.2727	1522.03
39	0.2741	1577.33
40	0.2872	1603.45
41	0.3077	1600.07
42	0.3091	2015.03
43	0.3300	2015.00
44	0.3349	2158.53
45	0.3550	2158.50
46	0.3689	2235.32
47	0.4615	2235.33
48	0.5256	2359.43
49	0.5455	2359.43
50	1.6500	2500.00

PART - B: SPECIAL NEEDS
GRADUATE PUBLIC

POINT	NEED PERCENT	NEED DOLLARS
1	0.0001 - 0.0017	0.01 - 1212.49
6	0.0018 - 0.1148	1212.50 - 1574.81
16	0.1149 - 0.3133	1574.82 - 1798.75
26	0.3134 - 0.3896	1798.76 - 2125.12
36	0.3897 - 0.4666	2125.13 - 3524.34
50	0.4667+	3524.35+

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Petroleum Pipeline Advisory Committee on Valuation; Meeting

September 8, 1983.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Petroleum Pipeline Advisory Committee on Valuation will meet on *Tuesday September 27, 1983 beginning 9:30 a.m.*, at the Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Conference Room 5301-1 Washington, D.C.

The purpose of this meeting is to present to each member, the Committee's objectives, scope of activities and duties to be performed. It is planned that this will be an informal re-organizational type meeting.

The meeting is open to the public. Minutes of the meeting will be available for public review and copying at FERC's Office of Public Information, Room 1000, 825 North Capitol St., NE.

Kenneth F. Plumb,
Secretary.

[FER Doc. 83-24607 Filed 9-12-83; 8:43 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2423-5]

Draft General NPDES Permit for Hydrostatic Testing of Natural Gas Transmission Pipeline in the States of Arkansas, Louisiana, Oklahoma, and Texas; Fact Sheet

AGENCY: Environmental Protection Agency.

ACTION: Notice of draft general NPDES.

SUMMARY: The Regional Administrator of Region VI has decided to propose a draft general NPDES permit for certain discharges associated with hydrostatic testing of natural gas transmission pipeline. When issued, these general NPDES permits will establish effluent limitations, standards, prohibitions, and treatment facility design and operational requirements. The facilities to be covered by these permits are located within the States of Arkansas, Louisiana, Oklahoma and Texas.

DATES: These draft general permits are based on the administrative record available for public review in Region VI

of the U.S. Environmental Protection Agency (EPA). The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permits. Copies of the draft permits are reprinted below.

Comment Period: Interested persons may submit comments on the draft general permits and administrative record to the address below no later than October 28, 1983. Regional Administrator, U.S. Environmental Protection Agency, Region VI, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Mark Satterwhite (6W-PS), Permits Branch (6W-P), U.S. Environmental Protection Agency, Region VI, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270, Telephone: (214) 767-9079.

SUPPLEMENTARY INFORMATION:

I. Background for General Permits

A. General Permit

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual dischargers, the Environmental Protection Agency's regulations authorize the issuance of general permits to categories of dischargers (40 CFR 122.59). EPA may issue a single, general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As is the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act. Any owner or operator authorized by a final general permit may be excluded from coverage by applying for an individual permit. This request may

be made by submitting an NPDES permit application, together with reasons supporting the request no later than (90 days after publication).

The Regional Administrator may require any person authorized by the final general permit to apply for and obtain an individual permit. In addition, any interested person(s) may petition the Regional Administrator to take this action. However, an individual permit will not be issued for a point source covered by a general permit unless it can be clearly demonstrated that inclusion, under a general permit, is inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the general permit;
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
4. Effluent limitation guidelines are subsequently promulgated for the point sources covered by the general permit;
5. A Water Quality Management Plan containing requirements applicable to such point sources is approved; or
6. The requirements listed in 40 CFR § 122.28(a) and identified in the previous paragraphs are not met.

B. Pipeline Hydrostatic Test Discharges (PHTD)

Based on the current requirements and needs by various operators of pipelines, EPA has initiated statewide general permits in Arkansas, Louisiana, Oklahoma and Texas for NPDES discharges associated with hydrostatic testing of natural gas transmission pipelines. With new pipelines the pollutants found are suspended solids from soil and weld scab, and possibly slight oil contamination from pipe drawing compounds. Existing pipelines are "pigged" frequently and are relatively clean with the exception of slight contamination from hydrocarbon condensation. However, methods to prevent pollutants associated with hydrostatic testing from entering surface water are applicable to both new and existing pipelines.

Effluent control methods are based on best management practices (BMP) technology as determined by best professional judgment (BPJ) under section 401(1)(2) of the Clean Water Act (CWA). The draft permit addresses any

discharge of water from hydrostatic testing of natural gas transmission pipelines at various locations within the states of Arkansas, Louisiana, Oklahoma and Texas to various storm sewers, tributaries, stream segments, river basins and coastal basins. The draft permit addresses the control of the discharge of water to prevent erosion of materials into surface waters; the application of filtering to remove suspended solids to a level consistent with the source water; the filtering or treatment to prevent discharge of waters with a visible oil sheen; and the prohibition of the use of chemical additives, except for corrosion inhibitors. The pollutants contained in these discharges are of a low level because the hydrostatic test water does not come in direct contact with the product or the by-products. Oil and grease are at trace levels and are readily controlled by the application of the conventional filtration and treatment normally applied in this activity. Therefore, in accordance with BPJ, BCT (best conventional pollutant control technology) and BAT (best available technology economically achievable) are considered equivalent to BPT (best practicable control technology currently available).

Reporting of monitoring results in a summary report is required on an annual basis; except that oral 24-hour reporting is required for any bypass or upset which exceeds the effluent limitations on the permit; or for violation of a maximum daily discharge limitation of any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance. Unless specifically waived by the Regional Administrator, written reports must also be provided within 5 days of the above occurrences.

II. Rational for Permit Limitations

Technology based effluent limitations and monitoring requirements applied under this permit are derived on the basis of best professional judgment (BPJ) as provided under Section 402(a)(1) of the Clean Water Act (CWA). Pollution abatement steps are based on best management practices (BMP) as currently applied in the industry.

These include:

1. Control of the location and velocity of the discharged water to prevent erosion of materials and soils into surface water.
2. Filtering of water via methods such as hay bales to remove suspended solids to a level consistent with the source water.

3. Filtering or treatment of waters, by the use of hay bales, rock ballast and/or oil absorbents, where necessary, to prevent discharge of waters with a visible oil sheen.

4. Prohibition of the use of chemical additives except for corrosion inhibitors which do not contain any of the priority pollutants listed in 40 CFR Appendix D to Part 122, Tables II and III. The use of corrosion inhibitors is primarily limited to coastal areas where saline waters may be the primary source of test water available. In these instances, the use of corrosion inhibitors which contain toxic pollutants identified as priority pollutants is prohibited.

III. Conditions in the General Permit

A. Geographic Areas and Covered Facilities

The draft permit when issued, will authorize discharges from PHTD facilities at various locations within the States of Arkansas, Louisiana, Oklahoma and Texas to various storm sewers, tributaries, stream segments, river basins and coastal basins. The permit will be applicable only to the PHTD facilities which have direct discharges to the "waters of U.S." as defined in 40 CFR 122.2 and are therefore subject to the requirements of section 301 and 402 of the Act.

B. Notice of Intent To Be Covered by General Permits

Owners or operators of PHTD facilities located in the permit areas must notify the Regional Administrator of their intent to be covered by the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator within 30 days after submission of their intent to be covered, owners or operators will be authorized to discharge under the appropriate general permit.

Owners or operators of existing facilities must submit their written request within 45 days of issuance of the final permits. New dischargers must submit the written request 45 days prior to commencement of discharge within the general permit area. All requests shall include the name and legal address of the owner or operator, the location, number and type of facilities to be covered and the name of the receiving streams(s).

Owners or operators who fail to request coverage, will not be authorized to discharge under the general permit.

C. Expiration Date

This permit is based on BMP (best management practices) and shall expire 5 years from the effective date.

D. Monitoring and Reporting Requirements

Monitoring results shall be reported annually in a summary report. For each location the results shall be summarized in a single report for the previous 12 months. The summary report shall include a general description of the project(s) which occurred during the twelve month period to include, by project, the water source and discharge point, water volume used, control measure implemented and description and quantity of corrosion inhibitors used.

Oral 24-hour reporting is required for any bypass or upset and any non-compliance which may endanger health or environment. Unless specifically waived by the Regional Administrator, written reports must also be provided within 5 days of the above occurrences.

IV. Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law, including water quality standards. Region VI has requested the States of Arkansas, Oklahoma, Louisiana and Texas to certify their respective draft general permit.

B. Water Quality Standards

Section 301(b)(1)(c) of the Act requires that NPDES permits contain limitations necessary to ensure compliance with water quality standards established pursuant to State law or regulations, or any other Federal law, or regulation, or required to implement any applicable water quality standard established pursuant to the Act. These draft general permits contain effluent limitations which meet the requirements of Section 301(b)(1)(c) including the applicable water quality standards of each State. At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream.

Arkansas

The general criteria and numerical criteria which make up the stream standards are provided in "Arkansas Water Quality Standards, Regulation No. 2, as amended September 1981, Arkansas Department of Water Pollution Control & Ecology.

Louisiana

The general criteria and numerical criteria which make up the stream standards are provided in "State of Louisiana Water

Quality Criteria," Louisiana Stream Control Commission, 1977.

Oklahoma

The narrative and numerical stream standards are provided in "Oklahoma's Water Quality Standard 1982," Oklahoma Water Resources Board, Publication 111.

Texas

The general criteria and numerical criteria which make up the stream standards are provided in "Texas Surface Water Quality Standards," Texas Department of Water Resources Publication LP-71, April 1981.

C. Endangered Species

A list of endangered species has been reviewed and EPA has determined that this action will not endanger the species involved, or result in the destruction of their habitats.

D. Coastal Zone Management Act

The Coastal Zone Management Act requires that consistency determinations be made for any federally licensed activity affecting the coastal zone of a State with an approved Coastal Zone Management Program. The States of Arkansas, Oklahoma, and Texas do not have approved Coastal Zone Management programs. The State of Louisiana does. The Agency will request a consistency concurrence determination from the State of Louisiana.

E. Spill Prevention Control and Countermeasure Plans (SPCC)

Any facility covered by these permits shall have a complete SPCC plan which conforms to EPA's SPCC regulations (40 CFR 122). Violations of a facility SPCC plan are subject to penalty provisions set forth in 40 CFR 112 and not to be construed as violations of this permit.

F. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

G. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

H. Transfers

This permit is nontransferable to any person except after notice to the Director. The Director may require

modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

V. Public Comment Periods

The Regional Administrator of Region VI has tentatively decided to issue four general NPDES permits for certain dischargers associated with hydrostatic testing of natural gas transmission pipelines, subject to certain effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act. The four draft general permits, reprinted below, cover facilities located in the following areas:

1. Permit No. ARG670001 covers facilities located in the State of Arkansas;

2. Permit No. LAG670001 covers facilities located in Louisiana;

3. Permit No. OKG670001 covers facilities located in the State of Oklahoma; and

4. Permit No. TXG670001 covers facilities located in Texas.

These draft general permits are based on the administrative record. Among other documents, the administrative record consists of the draft general permits and a fact sheet (published today) describing the reasons for the conditions of the draft general permits.

The administrative record (with exception of material readily available at Region VI, or published material that is generally available) is on file in the Administrative Branch, EPA Region VI, at the above address and may be inspected and copied (at a charge of \$20 per copy sheet) at any time between 8:30 a.m. and 4:00 p.m., Monday through Friday. Copies of the draft general permits and other available information may be obtained by writing to the above address.

Interested persons may submit comments on the draft general permits and administrative record to the Regional Administrator at the above address no later than (45 days after publication). The purpose of this Public Notice is to receive comments from interested persons on these draft general permits. All persons who believe that any of the conditions of the draft general permits are not appropriate, or that the tentative decision to issue these draft general permits is not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the comment period. All supporting material shall be included in full and may not be incorporated by reference, unless they

are already a part of the administrative record or consist of State or Federal regulations, EPA documents of general applicability, or other generally available reference materials.

During the public comment period, any interested person may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

EPA will consider the issuance of final general permits following any public hearings and the close of the comment period. All comments timely submitted by interested persons in response to this notice and statements and other evidence properly submitted at any public hearings, will be considered by the Regional Administrator in his final decision.

Any person who submits timely comments will receive notice of the Regional Administrator's final decision. Further information concerning EPA's permitting procedures may be found in Part 124 of the Environmental Permit Regulations (48 FR 14146, April 1, 1983).

VI. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act. The final general permits will explain how its information collection requirements respond to any OMB or public comments.

VII. Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 604(b), that these draft general permits when finally issued will not have a significant impact on a substantial number of small entities. Moreover, they reduce a significant administrative burden on regulated sources.

VII. Economic Impact (Executive Order 12291)

EPA has reviewed the effect of Executive Order 12291 on these draft general permits and has determined that they are not major rules under that order. The permits, when promulgated, will result in substantially reduced paperwork required of regulated facilities by eliminating permit applications and reducing reporting

requirements. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: August 11, 1983.

Dick Whittington, P.E.,
Regional Administrator, Region VI.
Permit No. —

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq. the "Act"), within the State of — operators engaged in hydrostatic testing of natural gas transmission pipelines are authorized to discharge to various storm sewers, tributaries, stream segments, river basins, coastal basins, and tidal waters, in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight.

Operators within the general permit area who fail to notify the Regional Administrator of their intent to be covered by this general permit are not authorized under this general permit to discharge from those facilities to the above named receiving waters.

Signed this 11th day of August 1983.

Myron O. Knudson, P.E.,
Director, Water Management Division (6W).

Part I—Requirements for NPDES Permits

Section A. Effluent Limitations and Monitoring Requirements

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall(s) serial number(s) 001—Intermittent discharge from hydrostatic testing of natural gas transmission pipelines in the State of

The following pollution abatement steps shall be taken by the permittee in the discharge of hydrostatic pipeline testing waters:

1. All waters shall be discharged in a manner to prevent erosion of materials and soils into surface waters;
2. All waters shall be filtered so as to remove suspended solids, turbidity and color to a level consistent with the receiving water;
3. All waters shall be filtered or otherwise treated to prevent discharge of waters with a visible oil sheen.
4. There shall be no chemical additives containing any of the priority pollutants listed in 40 CFR Appendix D to Part 122, Tables II and III (see Part III, paragraph B). If corrosion inhibitors are employed, the discharge shall be limited to concentrations which are not toxic to the aquatic biota.

At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream.

B. Permit Area

The area covered by this general permit includes all areas within the State of

C. Monitoring and Records

1. *Representative Sampling.* Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.

2. *Monitoring Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. *Reporting of Monitoring Results.* Each permittee shall be responsible for submitting monitoring results. Monitoring results shall be reported annually in a summary report. For each location, the results shall be summarized in a single report for the previous 12 months. The summary report shall include a general description of the project(s) which occurred during the twelve month period to include, by project, the water source and discharge point, water volumes used, control measures implemented and description and quantity of corrosion inhibitors used. The first report is due on the 28th day of the 13th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the following addresses:

Director —, Water Management Division (6W), U.S. Environmental Protection Agency, Region VI InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270

5. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the summary report.

6. *Averaging of Measurements.* Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least 3 years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Director at any time.

8. *Record Contents.* Records of monitoring information shall include:

- (a) The date, exact place, time and methods of sampling or measurements;

- (b) The individual(s) who performed the sampling or measurements;

- (c) The date(s) analyses were performed;

- (d) The individual(s) who performed the analyses;

- (e) The analytical techniques or methods used; and

- (f) The results of such analyses.

10. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals specified in Part I.C. of this permit.

3. *Twenty Four Hour Reporting.* The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- (a) Any unanticipated bypass which exceeds any effluent limitations in the permit;

- (b) Any upset which exceeds any effluent limitations in the permit; and

- (c) Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit is to be reported within 24 hours.

Reports should be made to telephone (214) 767-2214. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Non-Compliance.* The permittee shall report all instances of noncompliance not reported under Part I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. *Signatory Requirements.* All reports or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR 122.41.

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

F. Notification Requirements

Commencement of Operations. Written notification of commencement of operations, including the legal name and address of the operator shall be submitted:

(a) Within 45 days of the effective date of this permit, by operators whose facilities are discharging into the general permit area on the effective date of this permit; and

(b) Forty-five days prior to the commencement of discharge by operators commencing discharge subsequent to the effective date of this permit.

Initiation of Discharge. Thirty days prior to initiation of each discharge the State water pollution control agency shall be notified in writing at:

Additional notification shall include:

Part II

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. *Duty to Halt or Reduce Activity.* Upon reduction, loss, or failure of the treatment facility, the permittee shall to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

3. *Bypass of Treatment Facilities.*

(a) *Definitions.*—(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass Not Exceeding Limitations.*—The permittee may allow any bypass to occur if combined discharges from the outfall being bypassed and from any bypass discharge points do not exceed effluent limitations. All such discharge points shall be monitored during reporting periods affected by bypasses, and all results shall be reported to the Regional Administrator in the Discharge Monitoring Report. The Regional Administrator may require additional monitoring during such bypasses where necessary to assure that effluent limitations are not exceeded. These bypasses are not subject to Part II.3 (c) and (d) of this permit.

(c) *Notice.*—(1) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

(2) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part I.D.3. (24-hour notice).

(d) *Prohibition of bypass.*—(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

4. *Upset Conditions.*

(a) *Definitions.*—"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance

with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by the operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an Upset.*—An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.*—A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4. (Duty to Mitigate).

(d) *Burden of Proof.* In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Remove Substances.* Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

2. *Duty to comply with Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. *Penalties for Violations of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act, is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by

imprisonment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part IIA.3.) and "Upsets" (Part IIA.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

9. *Property Rights.* The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

C. Additional General Permit Conditions

1. *When the Regional Administrator May Require Application for an Individual NPDES Permit.* The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit for any of the reasons set forth in Section 122.26, 48 FR 14146 (April 1, 1983).

Prior to taking this action, the Regional Administrator must notify the operator in writing.

2. *When an Individual NPDES Permit may be Requested.* (a) Any operator authorized by this permit may request exclusion from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than 90 days after the publication by EPA of this general permit in the Federal Register.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is

automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

A. Methods of flow estimating shall be by the "California Pipe Method" as described in Section 7.4.2.2. of the *Handbook for Monitoring Industrial Wastewater*, August, 1973, U.S. Environmental Protection Agency, Technology Transfer.

B. Table II.—Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GC/MS).

Volatiles

1V	acrolein
2V	acrylonitrile
3V	benzene
4V	bis (chloromethyl) ether
5V	bromoform
6V	carbon tetrachloride
7V	chlorobenzene
8V	chlorodibromomethane
9V	chloroethane
10V	2-chloroethylvinyl ether
11V	chloroform
12V	dichlorobromomethane
13V	dichlorodifluoromethane
14V	1,1-dichloroethane
15V	1,2-dichloroethane
16V	1,1-dichloroethylene
17V	1,2-dichloropropane
18V	1,2-dichloropropylene
19V	ethylbenzene
20V	methyl bromide
21V	methyl chloride
22V	methylene chloride
23V	1,1,2,2-tetrachloroethane
24V	tetrachloroethylene
25V	toluene
26V	1,2-trans-dichloroethylene
27V	1,1,1-trichloroethane
28V	1,1,2-trichloroethane
29V	trichloroethylene
30V	trichlorofluoromethane
31V	vinyl chloride

Acid Compounds

1A	2-chlorophenol
2A	2,4-dichlorophenol
3A	2,4-dimethylphenol
4A	4,6-dinitro-o-cresol
5A	2,1-dinitrophenol
6A	2-nitrophenol
7A	4-nitrophenol
8A	p-chloro-m-cresol
9A	pentachlorophenol
10A	phenol
11A	2,4,6-trichlorophenol

Base/Neutral

1B	acenaphthene
2B	acenaphthylene
3B	anthracene
4B	benzidine
5B	benzo(a)anthracene
6B	benzo(a)pyrene
7B	3,4-benzofluoranthene
8B	benzo(g,h,i)perylene
9B	benzo(k)fluoranthene
10B	bis(2-chloroethoxy)methane

11B	bis(2-chloroethyl)ether
12B	bis(2-chloroisopropyl)ether
13B	bis(2-ethylhexyl)phthalate
14B	4-bromophenyl phenyl ether
15B	butylbenzyl phthalate
16B	2-chloronaphthalene
17B	4-chlorophenyl phenyl ether
18B	chrysene
19B	dibenzo(a,h)anthracene
20B	1,2-dichlorobenzene
21B	1,3-dichlorobenzene
22B	1,4-dichlorobenzene
23B	3,3-dichlorobenzidine
24B	diethyl phthalate
25B	dimethyl phthalate
26B	di-n-butyl phthalate
27B	2,4-dinitrotoluene
28B	2,6-dinitrotoluene
29B	di-n-octyl phthalate
30B	1,2-diphenylhydrazine (as azobenzene)
31B	fluoroanthene
32B	fluorene
33B	hexachlorobenzene
34B	hexachlorobutadiene
35B	hexachlorocyclopentadiene
36B	hexachloroethane
37B	indeno(1,2,3-cd)pyrene
38B	isophorone
39B	naphthalene
40B	nitrobenzene
41B	N-nitrosodimethylamine
42B	N-nitrosodi-n-propylamine
43B	N-nitrosodiphenylamine
44B	phenanthrene
45B	pyrene
46B	1,2,4-trichlorobenzene

Pesticides

1P	aldrin
2P	α-BHC
3P	β-BHC
4P	γ-BHC
5P	δ-BHC
6P	chlordane
7P	4,4'-DDT
8P	4,4'-DDE
9P	4,4'-DDD
10P	dieldrin
11P	α-endosulfan
12P	β-endosulfan
13P	endosulfan sulfate
14P	endrin
15P	endrin aldehyde
16P	heptachlor
17P	heptachlor epoxide
18P	PCB-1242
19P	PCB-1254
20P	PCB-1221
21P	PCB-1232
22P	PCB-1248
23P	PCB-1260
24P	PCB-1016
25P	toxaphene

Pesticides

TABLE III.—Other Toxic Pollutants: Metals, Cyanide, and Total Phenols.

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total
Copper, Total
Lead, Total
Mercury, Total

Nickel, Total
Selenium, Total
Silver, Total
Thallium, Total
Zinc, Total
Cyanide, Total
Phenols, Total

[FR Doc. 83-24890 Filed 9-12-83; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL 2423-6]

Draft General NPDES Permit for Petroleum Storage and Transfer Facilities in the States of Arkansas, Louisiana, Oklahoma, and Texas; Fact Sheet

AGENCY: U.S. Environmental Protection Agency, Region VI, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270

ACTION: Notice of Draft General NPDES Permits.

SUMMARY: The Regional Administrator of Region VI has decided to propose four draft general NPDES permits for certain dischargers associated with petroleum storage and transfer facilities. When issued, these general NPDES permits will establish effluent limitations, standards, prohibitions, and treatment facility design and operational requirements. The facilities to be covered by these permits are located within the States of Arkansas, Louisiana, Oklahoma and Texas.

DATES: These draft general permits are based on the administrative record available for public review in Region VI of the U.S. Environmental Protection Agency (EPA). The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permits. Copies of the draft permits are reprinted below.

Comment Period:

Interested persons may submit comments on the draft general permits and administrative record to the address below no later than October 28, 1983.

Regional Administrator, U.S.
Environmental Protection Agency,
Region VI, InterFirst Two Building,
1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:
Mark Satterwhite (8W-PS), U.S.
Environmental Protection Agency,
Region VI, InterFirst Two Building, 1201
Elm Street, Dallas, Texas 75270.
Telephone: (214) 767-9079.

FACT SHEET AND SUPPLEMENTARY INFORMATION:

I. Background

A. General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. In the past, individual permits have been issued to dischargers; however, EPA's regulations authorize the issuance of general permits to categories of dischargers (40 CFR 122.28). EPA may issue a single, general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of point sources operating in geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As is the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act. Any owner or operator authorized by a final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES permit application, together with reasons supporting the request no later than 90 days following the issuance of a final general permit.

The Regional Administrator may require any person authorized by the final general permit to apply for and obtain an individual permit. In addition, any interested person(s) may petition the Regional Administrator to take this action. However, an individual permit will not be issued for a point source covered by a general permit unless it can be demonstrated that inclusion under a general permit is clearly inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the

general permit;

3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

4. Effluent limitation guidelines are subsequently promulgated for the point sources covered by the general permit;

5. A Water Quality Management Plan containing requirements applicable to such point sources is approved; or

6. The requirements listed in 40 CFR 122.28(a) and identified in the previous paragraphs are not met.

B. Petroleum Storage and Transfer Facilities (PST)

The facilities covered by these draft general permits include facilities which store in one or more stationary tanks, bulk petroleum products, however received, and subsequently, transfer, distribute or sell the bulk petroleum products via pipeline, marine transportation, tank car or truck, to wholesale or commercial markets. Petroleum storage and transfer (PST) facilities include: (1) Marketing and pipeline terminals (which receive petroleum products primarily via pipeline, ship or barge and dispense it via delivery vessel or vehicle); (2) marketing bulk plants (which receive and dispense petroleum products primarily via delivery vehicle); (3) pipeline breakout terminals (which primarily store and return petroleum products to the pipeline system but do not dispense such products to delivery vessels or vehicles); (4) diesel dispensing facilities with diesel storage capacity exceeding 42,000 gallons and which are equipped with oil/water separators; (5) airport terminals which are equipped with oil/water separators and secondary containment areas (terminals on or adjacent to airports which dispense petroleum products via airport delivery vehicles). PST facilities do not include facilities which are part of petroleum refineries and facilities which store or transfer non-petroleum products. "Petroleum" and "petroleum products" means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.

The large number of PST facilities located in Region 6 has prompted the Agency to develop these draft general permits. A review of the nature of effluents from these facilities indicates that they involve the same types of operations, discharge the same types of wastewater, require the same effluent limitations or operating conditions, and

monitoring requirements and are therefore more appropriately controlled with general permits. In addition, general permits will eliminate or reduce for the Agency, the time-consuming process of drafting and issuing individual permits and similarly eliminate, for the industry, the regulatory burden of applying for and obtaining individual permits.

II. The Nature of Discharges From PST Facilities

The sources of discharges from PST facilities include discharges from secondary containment areas (dikes) surrounding petroleum storage tanks, petroleum loading and transfer areas, petroleum tank truck washing areas and contaminated stormwater runoff not otherwise covered by or commingled with the above stated discharges. The discharges consist primarily of oil and grease. These permits do not cover facilities which are part of a petroleum refinery or facilities which store or transfer non-petroleum products such as organic, inorganic and toxic chemicals. EPA, Region VI has reviewed the permit applications on file for this industry. The information indicates there are no toxic or priority pollutants in amounts that would produce toxic effects.

III. Conditions in the General Permit

A. Geographic Areas and Covered Facilities

The draft permit when issued, will authorize discharges from PST facilities at various locations within the State of (SC 4) to various storm sewers, tributaries, stream segments, river basins and coastal basins. The permit will be applicable only to PST facilities which have direct discharges to the "waters of United States" as defined in 40 CFR 122.2 and are therefore subject to the requirements of sections 301 and 402 of the Act.

B. Notification by Permittees

Owners or operators of PST facilities located in the permit areas must notify the Regional Administrator in writing of their intent to be covered by the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator within 30 days, owners or operators requesting coverage will be authorized to discharge under the appropriate general permit.

Owners or operators of existing facilities must submit their written notification within 45 days following the issuance of permits. New dischargers must submit the written request 45 days prior to commencement of discharge within the general permit area. All

requests shall include the name and legal address of the owner or operator, the location, number and type of facilities to be covered and the name of the receiving stream(s).

Owners or operators who fail to notify will not be authorized to discharge under the general permit.

C. Expiration Date

The permit shall expire 5 years from the effective date of the permit.

Oil and grease is considered a conventional pollutant. Best Conventional Pollutant Control Technology (BCT) is not an additional limitation but replaces Best Available Technology (BAT) for the control of conventional pollutants. In no case may BCT be less stringent than Best Practicable Control Technology (BPT). BPT limitations are generally based on the average of the best existing performance by facilities of various sizes and ages within the industry or subcategory. In the case of PST facilities and as determined by Best Practical Judgment (BPJ), the BCT for oil and grease removal is the API oil/water separator or its equivalent. Since we have determined that BCT=BPT, there is no additional cost associated with the treatment technology.

D. Technology Based Effluent Limitations

The technology-based effluent limitations contained in these draft permits were developed using best professional judgment (BPJ) and are based upon the terms and conditions of the 1976 Texaco Settlement Agreement. A copy of this settlement agreement has been placed in the administrative record. The Settlement Agreement resulted from negotiations between the Agency and Texaco over the Company's adjudicatory hearing request on permits for petroleum marketing terminals. The key point in the Settlement Agreement was the establishment of an oil and grease limit for these facilities of 30 mg/l daily average. The single most important pollutant associated with PST facilities is oil and grease. A daily average limitation of 30 mg/l is imposed on oil and grease discharges from petroleum loading and transfer areas, petroleum tank truck washings and discharges from petroleum tank truck garages. The limitations can be achieved by a properly designed and operated API oil/water separator or its equivalent. Discharges which are treated by an oil/water separator which satisfy the design criteria contained in Part III. A. of the draft general permits are exempt from the permit monitoring requirements.

E. Other Discharge Limitations

The limit imposed on discharges from secondary containment areas (dikes) surrounding petroleum storage tanks and contaminated stormwater runoff not otherwise covered is "no discharge of free oils." Free oils can be removed easily with an API separator or its equivalent. The permit does not authorize the discharge of treated sanitary sewage. Other discharge limitations include no discharge of floating solids or visible foam in other than trace amounts.

F. Monitoring and Reporting Requirements

Monitoring is required quarterly for oil and grease. Reporting of monitoring results is required on an annual basis; except that oral 24-hour reporting is required for any bypass or upset which exceeds the effluent limitations and any noncompliance which may endanger health or the environment. Unless specifically waived by the Regional Administrator, written reports must also be provided within 5 days of the above occurrences.

Part I.C.4. ("Reporting of Monitoring Results") of the draft general permits require that certain monitoring results be summarized and reported on Discharge Monitoring Reports (DMR) Forms (EPA No. 3320-1). Part I.D.3. ("Twenty-Four Hour Reporting") requires that unanticipated bypass and any upset that exceeds any effluent limitation in the permit must be reported within 24 hours. Also any noncompliance which may endanger human health or the environment should be reported.

IV. Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law, including water quality standard. Region VI has requested the States of Texas, Louisiana, Arkansas and Oklahoma to certify their respective draft general permits.

B. Water Quality Standards

Section 301(b)(1)(C) of the Act requires that NPDES Permits contain limitations necessary to ensure compliance with water quality standards established pursuant to State law or regulation, or any other Federal law or regulation, or required to implement any applicable water quality

standard established pursuant to the Act. These draft general permits contain effluent limitations which meet the requirements of Section 301(b)(1)(C) including the applicable water quality standards of each State. The applicable water quality standards are described. (SC-5).

Water Quality Standard Options for SC-5

Arkansas—(WQS-A)

The general criteria and numerical criteria which make up the stream standards are provided in "Arkansas Water Quality Standards," Regulation No. 2, as amended September 1981, Arkansas Department of Water Pollution Control & Ecology.

Louisiana—(WQS-L)

The general criteria and numerical criteria which make up the stream standards are provided in "State of Louisiana Water Quality Criteria," Louisiana Stream Control Commission, 1977.

Oklahoma—(WQS-O)

The narrative and numerical stream standards are provided in "Oklahoma's Water Quality Standard 1982," Oklahoma Water Resources Board, Publication 111.

Texas—(WQS-T)

The general criteria and numerical criteria which make up the stream standards are provided in "Texas Surface Water Quality Standards," Texas Department of Water Resources Publication LP-71, April 1981.

At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream.

C. Endangered Species

A list of endangered species has been reviewed and EPA has determined that this action will not endanger the species involved, or result in the destruction of their habitats.

D. Coastal Zone Management Act

The Coastal Zone Management Act requires that consistency determinations be made for any federally licensed activity affecting the coastal zone of a State with an approved Coastal Zone Management Program. The States of Arkansas, Oklahoma, and Texas do not have approved Coastal Zone Management Programs. The State of Louisiana does. The Agency will request a consistency concurrence determination from the State of Louisiana.

E. Spill Prevention Control and Countermeasure Plans (SPCC)

Any facility covered by these permits shall have a complete SPCC plan which conforms to EPA's SPCC regulations (40 CFR Part 112). Violations of a facility SPCC plan are subject to penalty

provisions set forth in 40 CFR 112 and not to be construed as violations of this permit.

F. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

G. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

H. Transfers

This permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

V. Public Comment Period

The Regional Administrator of Region VI has tentatively decided to issue four general NPDES permits for certain dischargers associated with petroleum storage and transfer facilities, subject to certain effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act. The four draft general permits cover facilities located in the following areas:

1. Permit No. ARG340001 covers facilities located in the State of Arkansas;
2. Permit No. LAG340001 covers facilities located in Louisiana;
3. Permit No. OKG340001 covers facilities located in Oklahoma; and
4. Permit No. TXG340001 covers facilities located in Texas.

These draft general permits are based on the administrative record. Among other documents, the administrative record consists of the draft general permits and a fact sheet (published today) describing the reasons for the conditions of the draft general permits.

The administrative record (with exception of material readily available at Region VI, or published material that is generally available) is on file in the Administrative Branch, EPA Region VI, at the above address and may be inspected and copied (at a charge of \$.20 per copy sheet) at any time between 8:30

a.m. and 4:00 p.m., Monday through Friday. Copies of the draft general permits and other available information may be obtained by writing to the above address.

Interested persons may submit comments on the draft general permits and administrative record to the Regional Administrator at the above address no later than October 28, 1983. The purpose of this Public Notice is to receive comments from interested persons on these draft general permits. All persons who believe that any of the conditions of the draft general permits are not appropriate, or that the tentative decision to issue these draft general permits is not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the comment period. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already a part of the administrative record or consist of State or Federal regulations, EPA documents of general applicability, or other generally available reference materials.

During the public comment period, any interested person may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. EPA will consider the issuance of the final general permits following any public hearings and the close of the comment period. All comments timely submitted by interested persons in response to this notice, and statements and other evidence properly submitted at any public hearings, will be considered by the Regional Administrator in his final decision. Any person who submits timely written comments will receive notice of the Regional Administrator's final decision. Further information concerning EPA's permitting procedures may be found in 40 CFR Part 124.

VI. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.* The information collection requirements of the permits have already been approved by the Office of Management and Budget (OMB) under submissions made for the NPDES permit program under the provisions of the Clean Water Act. The final general permits will explain how its information collection requirements

respond to any OMB or public comments.

VII. Regulatory Flexibility Act

After review of the facts presented in the above notice, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that these draft general permits when finally issued will not have a significant impact on a substantial number of small entities. Moreover, they reduce a significant administrative burden on regulated sources.

VIII. Economic Impact Executive Order 12291

EPA has reviewed the effect of Executive Order 12291 on these draft general permits and has determined that they are not major rules under that

order. The permits, when promulgated, will result in substantially reduced paperwork required of regulated facilities by eliminating permit applications and reducing reporting requirements. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291

Dated: August 11, 1983.

Dick Whittington, P.E.,
Regional Administrator, Region VI.
Permit No.—

Appendix A—Draft General Permit Authorization To Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as

amended, [33 U.S.C. 1251 et seq.; the "Act"], the following operators of petroleum storage and transfer facilities, as defined in Part III, items 5 and 7 are authorized to discharge to all receiving waters within the jurisdictional boundaries of the State of _____ in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit becomes effective on —

This permit and the authorization to discharge shall expire at midnight, —

Owners or operators within the general permit areas who fail to notify the Regional Administrator of their intent to be covered by the appropriate general permit are not authorized to discharge under the general permit. See Part I. F.

Signed this 11th day of August 1983.

Myron O. Knudson,
P. E. Director, Water Management Division
(6W).

PART I

Serial Numbers/outfalls	Effluent characteristic	Discharge limitations (daily average)	Monitoring requirements	
			Measurement frequency	Sample type
101 Discharges from secondary containment areas (dikes) surrounding petroleum storage tanks.	Oil and grease	No discharge of free oil		
201 Discharges from petroleum loading and transfer areas 1.	do.	30 mg/l	Quarterly 2	GRAB
301 Petroleum tank truck washings 1	do.	do	do	Do
401 Discharges from petroleum tank truck garages located adjacent to petroleum storage and transfer facilities 1.	do.	do	do	Do
501 Treated sanitary sewage 3				
601 Contaminated stormwater runoff not otherwise covered by or commingled with the above stated discharges 4.	Oil and grease	No discharge of free oil		

¹ Discharges which are treated by an oil/water separating device satisfying the design criteria contained in Part III.A. are exempt from the monitoring requirements.

² The permit does not authorize the discharge of treated sanitary sewage. Such discharges must be permitted through individual permits.

³ Monitoring is not required if there is no discharge during the quarter.

⁴ Good housekeeping practices shall be maintained at the facility to minimize discharges of oil and grease.

B. Other Discharge Limitations

1. **Floating Solids or Visible Foam.** There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. **Commingling.** The commingling of the waste water categories identified in this permit is authorized. All commingled discharges are subject to the no discharge of free oil limitation. If a commingled discharge contains wastewater from 201, 301, or 401, such discharge shall satisfy the discharge limitations and monitoring requirements from 201, 301, or 401. If the commingled discharge contains wastewater from 201, 301, or 401 and is treated by an oil/water separator satisfying the criteria contained in Part III.A., such discharge is exempt from the monitoring requirements. This exemption applies to 201, 301, and 401 discharges treated prior to commingling as well as such discharges treated after commingling.

3. **Noncontact Stormwater Runoff.** This permit imposes no limitation on the discharge of stormwater runoff uncontaminated by any industrial or commercial activity and not discharged through any oil/water separator or other treatment equipment or facility.

4. **Water Quality Standards.** At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream.

C. Monitoring and Records

1. **Representative Sampling.** Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.

2. **Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. **Penalties for Tampering.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. **Reporting of Monitoring Results.** The operator of each petroleum storage and transfer facility shall be responsible for submitting monitoring results, if any, for its facility. Monitoring results should be reported depending on the nature and effect of the discharge, but in no case less than once per year.

Required monitoring results shall be summarized and reported on an annual Discharge Monitoring Report Form (EPA Form No. 3320-1). In addition, the annual

average shall be reported and shall be the arithmetic average of all samples taken during the reporting year. The first report is due on the 28th day of the 13th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address:

5. **Additional Monitoring by the Permittee.** If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMRs.

6. **Averaging of Measurements.** Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. **Retention of Records.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least

3 years from the date of the sample, measurement, report. This period may be extended by request of the Regional Director at any time.

8. *Record Contents.* Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

9. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals specified in Part I.C. of this permit.

3. *Twenty Four Hour Reporting.* The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- (a) Any unanticipated bypass which exceeds any effluent limitations in the permit; and
- (b) Any upset which exceeds any effluent limitations in the permit; and
- (c) Violation of a maximum daily discharge limitation for any toxic pollutant or

hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports should be made to telephone (214) 767-2214. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Noncompliance.* The permittee shall report all instances of noncompliance not reported under Parts I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. *Signatory Requirements.* All reports or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR 122.41.

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

E. Notification by Permittee

1. Owners or operators of PST facilities located within the permit area must submit a written notification to the Regional Administrator of their intent to be covered by the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator within 30 days after submission of the request, owners or operators who have submitted a notification will be authorized to discharge under the appropriate general permit.

2. Written notifications shall include, the name and legal address of the owner or operator, the location, number and type of facilities to be covered by the permit, and the name of the receiving streams.

3. Written notifications shall be submitted to the Regional Administrator (and appropriate State Director):

- (a) For existing dischargers, within 45 days of the effective date of this permit, and
- (b) For new dischargers, 45 days prior to commencement of discharge within the permit area.

4. Owners or operators shall notify the Regional Administrator and the appropriate State Director upon permanent termination of discharge from their facilities.

Part II

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate

and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. *Need to Halt or Reduce Not A Defense.* Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

The reduction or halting of operations shall not be a defense against any enforcement action for non-compliance with conditions of the permit.

3. Bypass of Treatment Facilities.

(a) *Definitions.*—(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass Not Exceeding Limitations.*—The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to Part II, 3 (c) and (d) of this permit.

(c) *Notice.*—(1) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

(2) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part I.D.3. (24-hour notice).

(d) *Prohibition of Bypass.*—(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which

occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

4. Upset Conditions.

(a) *Definition.*—"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an Upset.*—An upset constitutes an affirmative defense to an action brought or noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.*—A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permittee facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part I.B.4 (Duty To Mitigate).

(d) *Burden of Proof.*—In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Removed Substances.* Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

2. *Duty to Comply With Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet

been modified to incorporate the requirement.

3. *Penalties for Violations of Permit Conditions.* The Act provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act, is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing section 301, 302, 306, 307, or 308 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part I.A.3.) and "Upsets" (Part I.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

9. *Property Rights.* This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. *Spill Prevention Control and Countermeasure Plans (SPCC).* The facility shall have a complete SPCC plan which conforms to EPA's SPCC regulations (40 CFR Part 112). Violations of a facility SPCC plan are subject to penalty provisions set forth in 40 CFR 112 and not to be construed as violations of this permit.

C. Additional General Permit Conditions

1. *When the Regional Administrator May Require Application for an Individual NPDES Permit.* The Regional Administrator may require any person authorized by this permit

to apply for and obtain an individual NPDES permit for any of the reasons set forth in § 122.28, 48 FR 14146 (April 1, 1983). Prior to taking this action, the Regional Administrator must notify the operator in writing.

2. *When an Individual NPDES Permit May Be Requested.* (a) Any operator authorized by this permit may request exclusion from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than 90 days after the publication by EPA of this general permit in the Federal Register.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

Part III

A. Oil/Water Separator Design Criteria

1. Any discharge from an oil/water separator meeting the following criteria shall be exempt from the monitoring requirements for this permit:

(a) (i) The horizontal velocity through the separator shall not exceed three feet per minute except when the maximum runoff rate from a 24-hour once in 25 year rainfall event is exceeded.

(ii) The detention time of water flowing through the separator shall be at least twenty (20) minutes except when the maximum rainfall rate from a 24-hour once in 25 year rainfall event is exceeded; and

(iii) The separator shall be capable of treating the maximum rainfall runoff rate from a 24-hour 25 year rainfall event draining to it during the runoff period. Or.

(b) Any wastewater treatment system which has been monitored on at least a quarterly basis over a period of at least two (2) years and which has been in compliance with the 30 mg/l limitation specified in Part I.A. of this permit in at least 95 percent of the monitored samples shall be presumed to satisfy the design criteria of this part.

B. Definitions

1. "No Discharge of Free Oil" means that no discharge shall occur which results in a sheen.

2. "Sheen" means an iridescent appearance on the surface of water.

3. The "daily average" limitation for oil and grease stated in this permit shall be deemed to have been exceeded if either:

(a) The arithmetic average of the analyses of all representative samples taken during a quarter by the permittee in accordance with the monitoring requirements set forth above exceeds 30 mg/l; or

(b) The analyses of any two representative grab samples taken at least six (6) hours

apart during the thirty (30) day period each individually exceed 30 mg/l.

If only one grab sample is taken in a quarter, the results of the analysis of that sample shall be the daily average of the quarter.

4. "Quarter" means a three month period with the first quarter commencing on first day of the first month following the effective day of this permit.

5. "Petroleum Storage and Transfer Facility" of "PST facility" means any facility which stores, in one or more stationary tanks, bulk petroleum products, however received, and subsequently transfers, distributes or sells such petroleum products in large quantities, via pipeline, marine transportation, tank car or tank truck, to the wholesale or commercial market. PST facilities include: (1) Marketing and pipeline terminals (which receive petroleum products primarily via pipeline, ship or barge and dispense it via delivery vessel or vehicle); (2) marketing bulk plants (which receive and dispense petroleum products primarily via delivery vehicle); (3) pipeline breakout terminals (which primarily store and return petroleum products to the pipeline system but do not dispense such products to delivery vessels or vehicles); (4) diesel dispensing facilities with diesel storage capacity exceeding 42,000 gallons and which are equipped with oil water separators; and (5) airport terminals which are equipped with oil water separators and secondary containment areas (terminals on or adjacent to airports which dispense petroleum products primarily via airport delivery vehicles). The term "PST facilities" does not include any facility which is a part of a petroleum refinery or any facility which is a part of a petroleum refinery or any facility which stores or transfers non-petroleum products.

6. "Petroleum" and "Petroleum products" means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.

7. The permit is applicable only to facilities which are direct discharges into "water of United States" as defined in 40 CFR 122.2 and are subject to the requirements of Sections 301 and 402 of the Clean Water Act.

[FR Doc. 83-24880 Filed 9-12-83; 8:45 am]

BILLING CODE 5560-50-M

FEDERAL MARITIME COMMISSION

Agreements Filed, etc.

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street

NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4138.

Title: Matson Navigation Company, Inc. and Totem Ocean Trailer Express, Inc. Equipment Lease Agreement.

Parties: Matson Navigation Company, Inc. (Matson) and Totem Ocean Trailer Express, Inc. (TOTE).

Synopsis: Agreement No. T-4138 provides for a reciprocal equipment lease agreement between TOTE and Matsons, which specifies the rights and obligations of the parties when one party leases the containers, trailers, or other container equipment of the other party. Matson's vessels sail between ports on the U.S. West Coast and Honolulu, Hawaii and TOTE's vessels sail between the Ports of Tacoma, Washington, and Anchorage, Alaska.

Filing party: Mr. Thomas M. Kilbane, Jr., Garvey, Schubert, Adams & Barer, 30th Floor, The Bank of California Center, Seattle, Washington, 98164.

Agreement No.: 161-41.

Title: Gulf/United Kingdom Freight Conference.

Parties: Gulf Europe Express, Hapag Lloyd A/G, Lykes Bros. Steamship Co., Inc., Sea-Land Service, Inc.

Synopsis: Agreement No. 161-41 amends the basic agreement to delete the December 31, 1983 expiration date of the right of independent action and would extend that right for an unrestricted future period.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8220-11.

Title: North Atlantic/Israel Freight Conference.

Parties: Farrell Lines, Inc., Zim Israel Navigation Co., Ltd.

Synopsis: Agreement No. 8220-11 amends the basic agreement to provide that alternate port service by water or land may be performed from a loading port covered by the Agreement and named in the bill of lading to a loading port not named in the bill of lading.

Filing Party: Ms. Karen S. Ostrow, Billing, Sher & Jones, P. C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No.: 8420-12.

Title: Israel/North Atlantic Ports Westbound Freight Conference.

Parties: Farrell Lines, Inc., Zim Israel Navigation Co., Ltd.

Synopsis: Agreement No. 8420-12 amends the basic agreement to provide that alternate port service by water or land may be performed from a discharge port not named in the bill of lading to a discharge port covered by the Agreement and named in the bill of lading.

Filing party: Ms. Karen S. Ostrow, Billing, Sher & Jones, P. C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No.: 9474-9.

Title: Thailand Pacific Freight Conference.

Parties: American President Lines, Ltd., A. P. Moller-Maersk Line, Barber Blue Sea Line, EAC Line, Sea-Land Service, Inc.

Synopsis: The proposed amendment to the agreement would clarify the agreement's open rate authority, establish a misrating program in a new Article 5 and make certain clerical changes to accommodate the new Article 5.

Filing agent: Charles F. Warren, Esquire, Warren & Associates, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No.: 9847-9.

Title: U.S. Atlantic Ports/Brazil Pooling Agreement.

Parties: Companhia de Navegacao Lloyd Brasileiro, Moore McCormack Lines, Incorporated, Netumar Line.

Synopsis: Agreement No. 9847-9 amends the basic agreement to extend the duration of the agreement for an additional three years beyond the December 31, 1983 expiration date and makes minor technical amendments to the accounting provisions.

Filing party: John D. Stratton, Jr., Director, South American Rate and Conferences, Moore McCormack Lines, Inc., 27 Commerce Drive, Cranford, N.J. 07016.

Agreement No.: 9848-11.

Title: U.S. Gulf Ports/Brazil Pooling Agreement.

Parties: Delta Steamship Lines, Inc., Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional.

Synopsis: Agreement No. 9848-11 amends the basic agreement to: (1) Extend the agreement for an additional three-year term ending December 31, 1986; (2) reduce the minimum number of

required sailings; (3) modify the revenue pooling provisions by changing the carrying rate and pool payment calculation; (4) effect minor clarifying modifications to various other provisions; and (5) restate the entire agreement.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, NW., Washington, D.C. 20006.

Agreement No.: 9873-5.

Title: U.S. Pacific Coast/Brazil, Pooling Agreement.

Parties: Companhia de Navegacao Lloyd Brasileiro, Delta Steamship Lines, Inc.

Synopsis: Agreement No. 9873-5 amends the basic agreement to: (1) Extend the agreement for an additional three-year term ending December 31, 1986; (2) modify the revenue pooling provisions by changing the carrying rate and pool payment calculation; (3) effect minor clarifying modifications to various other provisions; and (4) restate the entire agreement.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, Northwest, Washington, D.C. 20006.

Agreement No.: 9988-15.

Title: Continental/U.S. Gulf Freight Association.

Parties: Gulf Europe Express, Hapag Lloyd A/G, Lykes Bros. Steamship Co., Inc., Sea-Land Service, Inc., Trans Freight Lines, Inc.

Synopsis: Agreement No. 9988-15 amends the basic agreement to extend the notice period for independent action from 48 hours to 30 days.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No.: 10027-12.

Title: Brazil/U.S. Atlantic Coast Ports, Pooling Agreements.

Parties: Companhia De Navegacao Lloyd Brasileiro, Companhia De Navegacao Maritima Netumar S/A, Moore-McCormack Lines, Incorporated, A/S Ivarans Rederi, Empresa Lineas Maritimas Argentinas S/A, A. Bottacchi S. A. De Navegacao C.F.I. e L., Van Nievelt, Goudriaan And Co., B. V., Cylanco S/A.

Synopsis: Agreement No. 10027-12 would extend the Agreement for an additional three years beyond December 31, 1983 expiration date, provide for a new member of the Agreement, and make minor adjustments in certain party's shares and make other minor modifications to the accounting provisions of the Agreement.

Filing party: John D. Stratton, Jr., Director, South American Rates and Conferences, Moore-McCormack Lines,

Inc., 27 Commerce Drive, Cranford, N.J. 07016.

Agreement No.: 10320-6.

Title: Brazil/U.S. Gulf Ports Pooling Agreement.

Parties: Delta Steamship Lines, Inc., Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional, Empresa Lineas Maritimas Argentinas S. A., A. Bottacchi S. A. de Navegacion C. F. I. E. L., Transportacion Maritima Mexicana S. A., A/S Ivarans Rederi, Cylanco S. C.

Synopsis: Agreement No. 10320-6 amends the basic agreement to: (1) Add Ivarans and Cylanco as parties and eliminate Montemar as a party; (2) extend the agreement for an additional three-year term ending December 31, 1986; (3) reduce the minimum sailings and port call requirements for some of the parties; and (4) restate the entire agreement.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, Northwest, Washington, D.C. 20006.

Agreement No.: 10330-2.

Title: Brazil/U.S. Pacific Pool Agreement.

Parties: Companhia de Navegacao Lloyd Brasileiro, Delta Steamship Lines, Inc.

Synopsis: Agreement No. 10330-2 amends the basic agreement to: (1) Extend the agreement for an additional three-year term ending December 31, 1986; (2) modify the revenue pooling provisions by decreasing the percentages of a party's pool contribution and pool payment; (3) effect minor clarifying modifications to various other provisions; and (4) restate the entire agreement.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, Northwest, Washington, D.C. 20006.

Agreement No.: 10424-7.

Title: United States Atlantic & Gulf/ Jamaica and Hispaniola Steamship Conference.

Parties: Concorde/Nopal Lines, Puerto Rico Marine Management, Inc., Sea-Land Service, Inc., Trailer Marine Transport/CTMT.

Synopsis: Agreement No. 10424-7 amends the basic agreement to authorize the parties to establish proportional rates.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Agreement No.: 10453-1.

Title: Empresa Lineas Maritimas Argentinas S. A./Bottacchi, S. A. de Navegacion C. F. I. L., Space Charter and Sailing Agreement.

Parties: Empresa Lineas Maritimas Argentinas S. A., Bottacchi, S. A. de Navegacion C. F. I. L.

Synopsis: Agreement No. 10453-1 would amend the basic agreement to extend its termination date from December 31, 1983 to a date which is set forth in a written notice given at least 30 days prior to the effective date of the notice by one party to the other party.

Filing party: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler Sparber & Bauman, 120 Broadway, New York, New York 10271.

By Order of the Federal Maritime Commission.

Dated: September 8, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-24906 Filed 9-13-83; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. 10391]

United States Florida-Ecuador Freight Association; Agreement Termination

The Federal Maritime Commission gives notice that it has terminated its approval of the United States Florida/Ecuador Freight Association, as amended, effective August 20, 1983, the effective date of the withdrawal of "TRANSAVE" from membership in the agreement. TRANSAVE's withdrawal reduced the agreement membership to only one party, thereby terminating the agreement as a matter of law. Section 15 of the Shipping Act, 1916, only recognizes agreements between two or more persons subject to the Act.

By Order of the Federal Maritime Commission.

Dated: September 8, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-24999 Filed 9-13-83; 8:45 am]
BILLING CODE 6730-01-M

[Section 15 Agreement]

Intent To Terminate; Cutlass Steamship Corp.

Agreement No.: 9979.

Title: Cutlass Steamship Corporation-S.V.M.V., Inc., Acquisition of Assets Agreement.

Parties: Cutlass Steamship Corporation and S.V.M.C., Inc.

Synopsis: On August 18, 1983, in response to a Commission inquiry, the Commission received notice to cancel Agreement No. 9979. It, therefore, appears that the subject agreement has served its purpose, is no longer active and should be terminated. Accordingly,

notice is hereby given that, in the absence of any showing of good cause to the contrary, the Commission intends to terminate the approval of Agreement No. 9979, said termination to be effective twenty days subsequent to the date of publication of this notice in the **Federal Register**.

Filing party: Eliot J. Halperin, Esq., Graham & James, 1050 17th Street, NW., Washington, D.C. 20036.

By Order of the Federal Maritime Commission.

Dated: September 8, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-24866 Filed 9-12-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities; Fleet Financial Group, Inc.; et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal

Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. **Fleet Financial Group, Inc.**, Providence, Rhode Island (consumer finance, mortgage banking and insurance agency; Florida): To engage *de novo* through its indirect subsidiary, Fleet Finance, Inc. in the origination of first and second real estate mortgage loans and the purchase of real estate mortgages, the origination of consumer loans and the purchase of sales finance contracts and acting as agent for the sale of credit life insurance, credit accident and health insurance and credit property insurance. The credit life and credit accident and health insurance which would be sold would be underwritten by an affiliate, Consumer Life Insurance Company, Inc. The sale of property insurance in connection with the extensions of credit by Fleet Finance, Inc. is grandfathered under section 601(D) of the Garn-St. Germain Depository Institutions Act. These activities would be conducted in the geographic area surrounding Fort Myers and Cape Coral, Florida. Comments on this application must be received not later than September 30, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60600:

1. **Walter E. Heller International Corporation**, Chicago, Illinois (commercial finance and factoring activities; California): To engage through its subsidiaries, Abacus Real Estate Finance Company and Abacus Mortgage Investment Company, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit, and servicing loans and any other extensions of credit for any person. These activities would be conducted from an office in Los Angeles, California, serving the State of California. Comments on this application must be received not later than September 28, 1983.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. **BankAmerica Corporation**, San Francisco California (discount securities brokerage and incidental activities; *de novo* offices: all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of retail discount securities brokerage, consisting principally of buying and

selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation T. The activities will be conducted from two *de novo* offices located in Miami, Florida and Providence, Rhode Island; each office serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than October 8, 1983.

2. **First Interstate Bancorp.**, Los Angeles, California (leasing company and investment advisory activities, United States): To engage, through its subsidiaries, First Interstate Merchant Bankers Ltd., First Interstate Cogeneration Capital Associates, Inc., and First Interstate Resource Finance Associates, Inc. in leasing company activities to the extent of acting as agent, broker, adviser or lessor with respect to nonoperating leases of real and/or personal property; and in investment advisory activities to the extent of acting as financial adviser to state and local governments. These activities would be conducted from offices in Los Angeles, San Francisco, and Corte Madera, California, serving the entire United States. This application is to expand the powers and establish new offices of a previously approved activity conducted through wholly-owned subsidiaries. Comments on this application must be received not later than October 5, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-24865 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Old Stone Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (mortgage banking and insurance agency activities; Arizona): To engage *de novo* through its indirect subsidiary, UniMortgage Corporation, Tucson, Arizona, in the origination, sale and servicing of first and second mortgage loans; and to engage through its subsidiary, American Standard Insurance Agency, in the sale of credit life and credit accident and health insurance, which insurance would be reinsured by an affiliate, The Motor Life Insurance Agency, Jacksonville, Florida. These activities would be conducted from an office in Tucson, Arizona, serving Tucson and the county of Pima, Arizona. Comments on this application must be received not later than October 5, 1983.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (mortgage banking activities; Georgia): To engage, through its wholly-owned subsidiary, The Kissell Company, in making or acquiring and servicing for its own account and/or the account of others, loans and other extensions of credit. These activities will be conducted at an office located in the metropolitan area of Savannah, Georgia. The area of origination will be Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Long, McIntosh, Screven and Tattnall Counties, Georgia. Comments on this application must be received not later than October 6, 1983.

2. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (mortgage banking activities; North Carolina): To engage, through its wholly-owned subsidiary, The Kissell Company, in making or acquiring and servicing for its own account and/or the account of others, loans and other extensions of credit. These activities will be conducted at all office located in the metropolitan area of Durham, North Carolina. The area of origination will be the Counties of Alamance, Caswell, Chatham, Durham, Franklin, Granville, Johnston, Lee, Orange, Randolph, Vance, Wake and Warren, North Carolina. Comments on this application must be received not later than October 6, 1983.

3. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (mortgage banking activities; Florida): To engage, through its wholly-owned subsidiary, The Kissell Company, in making or acquiring and servicing for its own account and/or the account of others, loans and other extension of credit. These activities will be conducted at an office located in the metropolitan area of Orlando, Florida. The area of origination will be the Counties of Alachua, Citrus, DeLand, Flagler, Hernando, Lake, Leesburg, Levy, Marion, Orange, Osceola, Pasco and Polk, Florida. Comments on this application must be received not later than October 6, 1983.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Philadelphia Capital Corporation*, Philadelphia, Mississippi (financing activities; Mississippi): To engage through its subsidiary Philadelphia Finance Corporation in making of loans to persons, partnerships, corporations, and other legal entities, and taking security therefor as appropriate. These activities would be conducted from an office located in Philadelphia, Mississippi, serving Neshoba County, Mississippi. Comments on this application must be received not later than October 5, 1983.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Walter E. Heller International Corporation*, Chicago, Illinois (realty appraisal activities; Western United States): To engage through its subsidiary, Abacus Realty Appraisers, Inc., in real estate appraisals. These activities are to be conducted from an office located in Phoenix, Arizona, serving the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon and Washington. Comments on this

application must be received not later than October 3, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24858 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; American National Holding Co., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American National Holding Company*, Kalamazoo, Michigan; to acquire 100 percent of the voting shares or assets of Central National Bank of St. Johns, St. Johns, Michigan. Comments on this application must be received not later than October 5, 1983.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Ridgway Bancorp, Inc.*, Norris City, Illinois; to acquire 80 percent of the voting shares or assets of Bank of Christopher, Christopher, Illinois. Comments on this application must be received not later than October 5, 1983.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Citizens Banco, Inc.*, Westminster, Colorado; to acquire 100 percent of the voting shares of Citizens Bank of Glendale, Glendale, Colorado. Comments on this application must be received not later than October 5, 1983.

2. *Fourth Financial Corporation*, Wichita, Kansas; to acquire 24.98 percent of the voting shares of Salina Bancshares, Inc., proposed parent bank holding company for The Planters Bank and Trust Company, Salina, Kansas. Comments on this application must be received not later than October 5, 1983.

D. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bankshares, Inc.*, Victoria, Texas; to acquire 100 percent of the voting shares or assets of Allied First National Bank, Hallettsville, Texas. Comments on this application must be received not later than October 6, 1983.

E. *Board of Governors of the Federal Reserve System* (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 85 percent of the voting shares or assets of Westnet Bank National Association, Denver, Colorado, a proposed *de novo* banker's bank. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than October 6, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24853 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Lansing Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Lansing Bancorp, Inc.*, Lansing, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank of Lansing, Lansing, Illinois. Comments on this application must be received not later than October 4, 1983.

2. *Peoples First Bancshares, Inc.*, Pana, Illinois; to become a bank holding company by acquiring 100 percent less directors' qualifying shares of the voting shares of the successor by merger to Peoples Bank & Trust of Pana, Pana, Illinois. Comments on this application must be received not later than October 5, 1983.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Gorham Bancorp, Inc.*, Murphysboro, Illinois; to become a bank holding company by acquiring 89.88 percent of the voting shares of The Bank of Gorham, Gorham, Illinois. Comments on this application must be received not later than October 6, 1983.

C. *Federal Reserve Bank of Minneapolis* (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *1st United Bancorporation*, Sidney, Montana; to become a bank holding company by acquiring 80 percent of the voting shares of 1st United Bank of Sidney, Sidney, Montana. Comments on this application must be received not later than October 5, 1983.

D. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Salina Bancshares, Inc.*, Wichita, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of United Bancshares, Inc., Salina, Kansas and thereby indirectly acquire 99.6 percent of the voting shares of the Planters Bank and Trust Company, Salina, Kansas. Comments on this application must be received not later than October 5, 1983.

E. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Valley Bancshares, Inc.*, Weslaco, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens State Bank, Donna, Texas; The First National Bank of Weslaco, Weslaco, Texas; The Hidalgo County Bank and Trust Company, Mercedes, Texas; and National Bank of Commerce,

Edinburg, Texas. Comments on this application must be received not later than October 5, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24854 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Local Investors, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Local Investors, Inc.*, Unadilla, Georgia; to become a bank holding company by acquiring 80 percent or more of the voting shares of State Bank and Trust Company, Unadilla, Georgia, and 12.6 percent of the voting shares of Citizens Bank, Vienna, Georgia. Comments on this application must be received not later than October 5, 1983.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *First Bancorp of Sparta, Ltd.*, Sparta, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Sparta, Sparta, Illinois. Comments on this application must be received not later than October 7, 1983.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *Scottscom Bancorp, Inc.*, Scottsdale, Arizona; to become a bank holding

company by acquiring 100 percent of the voting shares of Scottsdale Commercial Bank, Scottsdale, Arizona, a *de novo* bank. Comments on this application must be received not later than October 4, 1983.

D. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *Georgia First Financial Corp.*, Calhoun, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Calhoun First National Bank, Calhoun, Georgia. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than October 7, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24856 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; National Bancshares Corporation of Texas

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *National Bancshares Corporation of Texas*, San Antonio, Texas; to acquire 100 percent of the voting shares of Heights State Bank, Houston, Texas. Comments on this application must be received not later than October 5, 1983.

Board of Governors of the Federal Reserve System, September 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24657 Filed 9-12-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83D-0247]

Animal Drugs, Feeds, and Related Products; Efficacy Evaluation of Canine/Feline Anthelmintics; Availability of a Draft Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline prepared by its Bureau of Veterinary Medicine entitled "Guideline for Efficacy Evaluation of Canine/Feline Anthelmintics." The guideline is for use in establishing the effectiveness of certain canine and feline anthelmintic new animal drugs. A copy of the draft guideline is available for public review to permit submission of comments to be considered in developing a final guideline.

ADDRESS: Written comments and requests for single copies should be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

DATE: Comments by April 18, 1984.

FOR FURTHER INFORMATION CONTACT:

Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act (the act) requires that a new animal drug be the subject of an approved new animal drug application (NADA) before it may be marketed. Section 512(b)(1) of the act (21 U.S.C. 360b(b)(1)) requires that each NADA include full reports of investigations which show that the drug is safe and effective for use. Section 512(d) of the act and 21 CFR 314.111 describe the studies needed in an NADA to show that a new animal drug is safe and effective and may be approved. The draft "Guideline for Efficacy Evaluation of Canine/Feline Anthelmintics" describes tests that an NADA sponsor may use to obtain the information needed in evaluating effectiveness of anthelmintic new animal drugs for

canines and/or felines: titration of recommended dose, dose confirmation trials, and clinical field trials.

The draft guideline is being made available for public comment before being issued as the formal position of the agency. FDA is inviting public comment on the draft guideline which will be considered in determining whether revisions are warranted.

The agency is also prepared to meet with interested parties during the comment period to discuss the draft guideline. In accordance with 21 CFR 10.65 and 10.80, FDA will prepare memoranda summarizing any such meetings, which will be incorporated in the public file on the guideline. If, after considering the comments and making appropriate changes, FDA concludes that the guideline is appropriate, the guideline will be made final, and its availability will be announced under 21 CFR 10.90(b). That section of FDA's regulations provides for the use of a guideline to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that use of its procedures in a study will be acceptable to the agency. A person may also choose to use alternative procedures. If a person chooses to depart from a guideline, that person should discuss the matter in advance with the agency to prevent expenditures of resources for work that the agency may later determine to be unacceptable.

A copy of the draft guideline is available for public examination at the Dockets Management Branch (address above). Interested persons may obtain a single copy of the draft guideline by submitting a request to that office.

Interested persons may, on or before April 18, 1984, submit written comments on the draft guideline to the Dockets Management Branch. Two copies of any comments should be submitted, except that individuals may submit one copy. Submissions should be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 7, 1983.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-24652 Filed 9-12-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0308]

**International Drug Scheduling;
Convention on Psychotropic
Substances; Stimulant and/or
Hallucinogenic Drugs****AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting interested persons to submit data or comments concerning abuse potential, actual abuse, and medical usefulness and trafficking of 30 stimulant and/or hallucinogenic drugs. This information will be considered in preparing a response from the United States to the World Health Organization (WHO) regarding abuse liability, actual abuse, and trafficking of these drugs. WHO will use this information to consider whether to recommend that certain international restrictions be placed on these drugs. This notice requesting information is required by law.

DATE: Comments by November 14, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-8490.

SUPPLEMENTARY INFORMATION: The United States is a party to the 1971 Convention on Psychotropic Substances. Article 2 of the Convention on Psychotropic Substances provides that if a party to that Convention or WHO has information about a substance which in its opinion may require international control or change in such control, it shall so notify the Secretary-General of the United Nations and provide the Secretary-General with information in support of its opinion.

The Controlled Substances Act (CSA) [Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970] provides that when WHO notifies the United States under Article 2 of the Convention on Psychotropic Substances that it has information that may justify adding a drug or other substance to one of the schedules of that Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of the Department of Health and Human Services (DHHS). The Secretary of DHHS must then publish the notice in the *Federal Register* and provide opportunity for interested

persons to submit comments to assist DHHS in preparing scientific and medical evaluations about the drug or substance.

The Secretary of DHHS received the following notice from WHO on behalf of the Secretary-General:

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to draw attention to a request from the Director-General of the World Health Organization for assistance in obtaining data on the following thirty substances:

Cathine (norpseudoephedrine)
Cathinone
Clobenzorex
Dimethoxyamphetamine
Dimethoxybromoamphetamine (DOB)
Ethylamphetamine
Fenbutrazate
Fencamfamin
Fenetylline
Fenproporex
Furfenorex
Levamphetamine
Levomethamphetamine
Mefenorex
Methoxyamphetamine (PMA)
Methoxymethylenedioxyamphetamine
Methylenedioxyamphetamine (MDA)
Morazone
Para-methoxyamphetamine
Para-oxyamphetamine
Pemoline
Propylhexedrine
Pyrovalerone
Trimethoxyamphetamine (TMA)
4-Bromo-2,5-dimethoxyphenethylamine
2,5-Dimethoxy-4-ethylamphetamine (DOET)
N,N-Dimethylamphetamine
N-Ethyl-3,4-methylenedioxyamphetamine (N-Ethyl-MDA)
5-Methoxy-3,4-methylenedioxyamphetamine (MMDA)
3,4-Methylenedioxy-N-methylamphetamine (MDMA)

In March 1984 a WHO expert group will review these substances to determine whether WHO should recommend to the Commission on Narcotic Drugs that any of them should be brought under the control of the Convention on Psychotropic Substances.

The Secretary-General would accordingly be most grateful if Governments would submit data on each substance concerning the extent or likelihood of abuse, the degree of seriousness of the public health and social problems associated with such abuse and its usefulness in medical therapy.

It would also be very useful if Governments would indicate whether any of the above-mentioned substances have been seized from the illicit drug traffic during the past three years, and, if so, the amount seized, the number of such seizures and, where this could be determined, the provenance of the substances. Any additional information on clandestine laboratories where these substances may have been manufactured and on precursors used in this process would also be valuable.

In view of the fact that a report must be prepared for WHO on this subject, it would be appreciated if the information could be transmitted to the Secretary-General by 15 December 1983. Replies should be addressed to the attention of the Director of the Division of Narcotic Drugs, Vienna International Centre, P.O. Box 500, A-1400, Vienna, Austria.

July 25, 1983.

Therefore, as required by section 201(d)(2)(A) of the Controlled Substances Act (21 U.S.C. 811(d)(2)(A)), FDA on behalf of DHHS invites interested persons to submit data or comments regarding the named 30 drugs.

Of the 30 drugs listed in the notice above, only pemoline and propylhexedrine are currently marketed in the United States. Pemoline, a prescription drug, is a central nervous system stimulant indicated, along with other forms of treatment, for a stabilizing effect in children with a certain behavioral syndrome. Pemoline is controlled domestically in CSA schedule IV. Propylhexedrine, an over-the-counter drug, is a nasal decongestant not now controlled under the CSA. Of the 28 remaining substances from the notice above, 18 are not controlled domestically under the CSA and 10 are controlled domestically in CSA schedule I. The 10 substances currently controlled in CSA schedule I are dimethoxyamphetamine (DMA), dimethoxybromo-amphetamine (DOB), ethylamphetamine, fenetylline, methoxyamphetamine (PMA), methoxymethylenedioxyamphetamine, methylenedioxyamphetamine (MDA), para-methoxyamphetamine, trimethoxyamphetamine (TMA), and 5-methoxy-3,4-methylenedioxyamphetamine (MMDA). Drugs or substances controlled in CSA schedule I have a high potential for abuse and no currently accepted medical use in treatment in the United States.

Data and information received in response to this notice will be used to prepare scientific and medical information on these drugs, with a particular focus on each drug's abuse liability. DHHS will forward that information to WHO, through the Secretary of State, for WHO's consideration in deciding whether to recommend international control of any of these drugs. Such control could limit, among other things, the manufacture and distribution (import/export) of these drugs, and could impose certain recordkeeping requirements on them.

DHHS will not now make any recommendations to WHO regarding whether any of these drugs should be subjected to international controls.

Rather, DHHS, will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which are expected to be made in the second half of 1984. Any DHHS position regarding international control of these drugs will be preceded by another Federal Register notice soliciting public comment as required by 21 U.S.C. 811(d)(2)(B).

Interested persons may, on or before November 14, 1983, submit to the Docket Management Branch (address above) written comments regarding this action. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 7, 1983.

Mervin H. Shumate,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-24851 Filed 9-12-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-83-706]

Delegation of Authority to Assistant Secretary for Public and Indian Housing

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of
authority.

SUMMARY: The Secretary of Housing and Urban Development has established within the Department a new position of Assistant Secretary for Public and Indian Housing and by this notice is transferring appropriate authority from the Assistant Secretary for Housing—Federal Housing Commissioner to the new Assistant Secretary for Public and Indian Housing.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT:
Thomas Sherman, Director, Office of
Public Housing, Room 4100, Department
of Housing and Urban Development, 451
Seventh Street, SW., Washington, D.C.
20410. Telephone: (202) 755-6340 (this is
not a toll-free number).

SUPPLEMENTARY INFORMATION: The
Secretary of Housing and Urban
Development has established within the
Department a new position of Assistant
Secretary for Public and Indian Housing

to carry out the Department's programs relating to public housing and Indian housing. These programs, which have been administered by the Assistant Secretary for Housing—Federal Housing Commissioner, are now being transferred to the new Assistant Secretary for Public and Indian Housing. In this connection, the Secretary is delegating the authority to exercise these functions to the new Assistant Secretary and withdrawing such authority from the Assistant Secretary for Housing—Federal Housing Commissioner.

Accordingly, the Secretary of Housing and Urban Development delegates as follows:

Section A. Authority delegated. The following authority (previously delegated to the Assistant Secretary for Housing—Federal Housing Commissioner) is hereby delegated to the Assistant Secretary for Public and Indian Housing, except as is otherwise provided herein under Section B:

(1) The authority of the Secretary with respect to all Public Housing and Indian Housing Programs (including but not limited to Rental Housing, Turnkey III Housing and Mutual Help Housing) administered under the United States Housing Act of 1937, as amended (42 U.S.C. 1437-1437n), and, to the extent related to such programs, the authority of the Public Housing Commissioner and of the other officers and offices of the Public Housing Administration vested in the Secretary under Section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)).

(2) The authority of the Secretary with respect to insurance and bonding functions for the following programs:

(a) Housing programs authorized by the United States Housing Act of 1937, as amended (42 U.S.C. 1437-1437n);

(b) Slum Clearance and Urban Renewal Program, authorized by Title I of the Housing Act of 1949 (42 U.S.C. 1450-1488) and Section 312 of the Housing Act of 1954 (42 U.S.C. 1450 Note);

(c) New Communities Program, authorized by the Housing Act of 1968 (42 U.S.C. 3901-3914) and the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4501-4532); and

(d) Comprehensive Planning (701b Program), authorized by the Housing Act of 1954 (40 U.S.C. 461).

(3) The authority of the Secretary to waive rules and regulations relating to programs the authority for which is delegated under this Section A, as provided in 24 CFR 899.101.

Section B. Authority excepted. The authority delegated to the Assistant

Secretary for Public and Indian Housing under Section A shall not include any authority to:

(1) Administer any function or program authorized under: (a) Section 10(c) or Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1410(c), 1421(b)); or (b) Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437(f)), including insurance and bonding functions for any Section 8 program;

(2) Issue notes or other obligations for purchase by the Secretary of the Treasury; or

(3) Sue and be sued.

Section C. Authority to redelegate. Any of the authority delegated to the Assistant Secretary for Public and Indian Housing under Section A may be redelegated by the Assistant Secretary to other employees of the Department, except for the authority to:

(1) Issue rules and regulations; or

(2) Waive rules and regulations.

Section D. Supersession. All authority previously delegated to the Assistant Secretary for Housing—Federal Housing Commissioner which is delegated herein under Section A to the Assistant Secretary for Public and Indian Housing is hereby revoked, and all previous delegations of such authority are superseded by this delegation of authority. However, any redelegations of authority previously made with respect to the programs and functions described in Section A (which are in effect on the effective date of this delegation of authority) shall remain in effect until expressly modified or superseded under Section C.

Section E. Conclusive evidence of authority. This notice of delegation of authority shall be conclusive evidence of the authority of the Assistant Secretary for Public and Indian Housing (or a delegate) to execute, in the name of the Secretary, any instrument or document relinquishing or transferring any right, title or interest of the Department in or to real or personal property.

(Secs. 5(a), 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3534(a), 3535(d))

Dated: September 7, 1983.

Samuel R. Pierce, Jr.,
Secretary of Housing and Urban
Development.

[FR Doc. 83-24823 Filed 9-12-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a). Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the Federal Register on April 11, 1977 (42 FR 19035), and July 3, 1980 (45 FR 45381).

Twenty-five systems of records notices for records maintained by the Bureau of Indian Affairs are updated and republished in their entirety below. Fifteen of the notices are revised to add a compatible disclosure to consumer reporting agencies. They are: BIA-1, BIA-2, BIA-3, BIA-4, BIA-5, BIA-7, BIA-8, BIA-10, BIA-11, BIA-13, BIA-14, BIA-15, BIA-17, BIA-22, and BIA-23.

Part X of the Appendix containing addresses of facilities of the Department which pertains to the Bureau of Indian Affairs (published at 42 FR 18992-18995) is revised and updated. The detailed listing of Bureau of Indian Affairs field facilities is no longer required for use with the Bureau's system notices and is deleted. The revised Part X of the Appendix is published below.

The system notices published below shall become effective on September 13, 1983. Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240.

Dated: September 7, 1983.

Richard R. Hile

Deputy Assistant Secretary of the Interior.

Appendix

X. Bureau of Indian Affairs

Bureau of Indian Affairs, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245

INTERIOR/BIA-1

SYSTEM NAME:

Property Loan Agreement Files—Interior, BIA-1.

SYSTEM LOCATION:

All Area and Agency Offices (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians or non-Indians having a need for Government-owned real or personal property for use in a Bureau program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Records of accountability for Government-owned real or personal property loaned to individuals, and (2) records concerning individuals which have arisen as a result of that individual's misuse of or damage to Government-owned or Government-leased real or personal property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify individuals responsible for government-owned real or personal property by agreement. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b) (12). Pursuant to 5 U.S.C. 552a (b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1986 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files.

RETRIEVABILITY:

(a) Indexed by individual name and cross-referenced by tribal name, contract or use permit number; (b) retrieved by manual search

SAFEGUARDS:

In accordance with 43 CFR 2.51

RETENTION AND DISPOSAL:

Destroy one year after property is returned.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration
Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, Bureau of Indian Affairs employees, supervisors.

INTERIOR/BIA-2

SYSTEM NAME:

Safety Management Information—Interior, BIA-2.

SYSTEM LOCATION:

(1) All Area, Agency and Field Offices of the BIA. (2) Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employee operators and incidental operators of government-owned vehicles and equipment. (2) Federal employees who have had an accident or incident. (3) Injured employees who submit claims for medical attention or loss of earning capability due to on-the-job injury. (4) Individuals filing tort claims against the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Documents supporting the issuance of SF-46 Motor Vehicle Identification Cards to employees. (2) reports of accident/incident by agency, area, name

of person involved and social security number, (3) employee claims case files pertaining to claims submitted to the Office of Workmen's Compensation, and (4) case files with supporting documents pertaining to tort claims filed by an individual against the U.S. Government, and (5) records concerning individuals which have arisen as a result of that individual's misuse of or damage to Government-owned or Government-leased motor vehicles, other equipment/facilities, and salary overpayments as a result of misuse of leave relating to Office of Workmen's Compensation claims deemed to be invalid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902, 28 U.S.C. 2671-2680, 31 U.S.C. 242-243.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to provide complete record-keeping on qualified motor vehicle operators in BIA, employee accidents or incidents, Federal employees compensation claims and adjudication of tort claims. Disclosures outside the U.S. Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files.

RETRIEVABILITY:

(a) Indexed alphabetically by name of employee; (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, the Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Claimants. Individuals on whom the record is maintained.

INTERIOR/BIA-3

SYSTEM NAME:

Individual Indian Monies—Interior, BIA—3.

SYSTEM LOCATION:

(1) All Area and Agency Offices of the BIA or contractors processing IIM accounts for them. (2) Division of Accounting Management, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, NM 87103. For a listing of specific locations, contact the systems Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who have money accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) General ledgers showing deposits and withdrawals from Indians' accounts and money folders with supporting documentation, and (2) records concerning overdrafts paid to individuals from the IIM account.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 151.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to control individual Indian's money accounts and to disclose to them the status of those accounts. (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) granting of access or transfer to another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that, under contract to the BIA or as the result of some form of legal transfer of the program to them, will have jurisdiction for the IIM program now under the jurisdiction of the BIA, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: maintained in letter files, cardex, and binders for non-automated areas; Computer: maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed by name of identifying number. (b) Retrieved by manual search and through computer batch processes.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Closed files are transferred to the appropriate GSA Federal Records Center five years after probate and other actions are completed. Prior information on magnetic tape erased as updated information is added to the system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or Agency Superintendent. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, depositors in the accounts and claimants against the accounts.

INTERIOR/BIA-4

SYSTEM NAME:

Indian Land Records—Interior, BIA-4.

SYSTEM LOCATION:

(1) Land Records Improvement Program liaison Office Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (2) Title plants at the following five Area Offices of the

BIA: Portland, Billings, Anadarko, Aberdeen and Albuquerque. (3) Central Area, Agency and Field Offices of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians and Indian tribal groups that owners of land held in trust by the government.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Land description, current ownership, probate and title history of Indian trust lands, and (2) records concerning individuals which have arisen as a result of that individual's receipt of overpayment(s) relative to land disposal, leases, sales and rentals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 392.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to identify individual Indians' and Indian Tribal Groups' interest in lands held in trust, (b) land acquisition and disposal and tenure and management purposes, (c) adjudication of rights to the land or resources, (d) administration leases, sales, rentals, transfers, (e) land statistics for BIA personnel information uses, and (f) to answer questions regarding land rights. Disclosures outside the Department of the Interior may be made (1) to transfer or disclose to another Federal agency, a State or local government, or to any individual or establishment that has been appointed to act as trustee for Indian lands, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual or tribe in response to an inquiry from a Congressional office made at the request of that individual or authorized tribal official, (5) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of an encumbrance against title.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

STORAGE:

Manual: basic legal documents in letter files at the five title plants and input documents and printed copies in letter files at the Albuquerque Office, the five title plants, and the Area, Agency and Field Offices. Computer: mag-tape and disk.

RETRIEVABILITY:

(a) Indexed by name of identification number of individual. Historical Index Computer files are in order by land location. Current owners are in order by land location and then by owner identification number. (b) Retrieved by manual search, use of computer printouts and batch inquiries of the computer.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained. Records permanently retained for historical index. Prior information on mag-tape and disk is erased as new data is added for the current owner files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Legal records such as titles, deeds, probates and birth notices.

INTERIOR/BIA-5**SYSTEM NAME:**

Indian Land Leases—Interior, BIA-5.

SYSTEM LOCATION:

(1) Area, Agency and Field Offices of the BIA. (2) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (3) Contractors, including Indian tribal groups and other federal agencies. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indian and Indian tribal groups that are owners of real property held in trust by the government, and individuals or groups that are potential or actual lessees of that property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Land description, heirship and current ownership of Indian trust lands and real property; identification of owners and lessees; water, surface and subsurface rights on that land; conservation, irrigation and land use projects; and information on all types of leases, including grazing, farming, minerals and mining, timber, business, etc.; and records concerning individuals which have arisen as a result of that individual's receipt of overpayment(s) relative to the distribution of leased income.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 415.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to control leases on Indian trust lands and real property, (b) for the collection and distribution of lease income (c) protection of water, surface and subsurface rights on Indian trust lands, and (d) planning, and implementing conservation, irrigation and land use projects on Indian lands. Disclosures outside the Department of the Interior may be made, (1) to another Federal agency, a State or local government, Indian tribal group or contractor having jurisdiction of programs ordinarily the responsibility of

the BIA, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of and encumbrances against title.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: letter files and maps.
Computer: mag-tape.

RETRIEVABILITY:

(a) Indexed by name of identification number of the individual. Computer file is in order by reservation and then by land lease numbers. (b) Retrieved by manual search, use of computer printouts, and batch inquiries of the computer.

SAFEGUARDS:

Most records are maintained in accordance with 43 CFR 2.51 for both manual and computer records. A program will be initiated to bring the safeguards for the remaining systems of records up to the same standards.

RETENTION AND DISPOSAL:

Records held two years after lease expiration and then transferred to the Federal Records Center. Records permanently retained on mag-tape. Prior information on mag-tape is erased as new data or changes are added.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for

which he is responsible, an Area or Field Office Director, or an Agency Superintendent See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained. Titles, deeds, birth and death notices, all types of land and water rights and usages documents.

INTERIOR/BIA-6**SYSTEM NAME:**

Navajo-Hopi Joint Use Project—Interior, BIA-6.

SYSTEM LOCATION:

(1) Joint Use Administrative Office, 125 E. Birch St. Arizona Bank Bldg., Flagstaff, Arizona 86001. (2) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navajo and Hopi Indians who are residents of the Joint Use Area in Arizona.

CATEGORIES OF RECORDS IN THE SYSTEM:

Census enumerations, and inventories and ownerships of property improvements (includes livestock inventories).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 631, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify improvements locations, ownership and residents of the Joint Use Administration. Disclosures outside the Department of the Interior may be made (1) for Tribal Government use in adjudicating land disputes, (2) to Relocation Commission to identify resident and location and ownership of improvements, (3) U.S. Federal Courts concerned with the project, (4) to the U.S. Department of Justice when related to litigation or anticipated litigation, (5) of information indicating a violation or

potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (6) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files and computer printouts at the JUA Office. Computer: disk files with mag-tape backup.

RETRIEVABILITY:

(a) Indexed by name of individual. (b) Retrieved by manual search. Computer listings are by name in alphabetical order, also location and individual assigned number. Records are accessed from disk by location and individual's assigned number or a real estate improvement number in a batch process mode.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Disk files are perpetual. Prior information on disk is erased as new data is added.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Joint Use Administrative Office, 125 E. Birch St., Arizona Bank Building, Flagstaff, Arizona 86001.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager or the Offices cited under "Systems Location". Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Navajo and Hopi residents of the Joint Use Area and enumeration surveyors who are interviewing claimants and physically examining property improvements.

INTERIOR/BIA-7

SYSTEM NAME:

Tribal Rolls—Interior, BIA

SYSTEM LOCATION:

(1) All Area, Agency and Field Offices of the BIA. (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245. (3) Division of Automatic Data Processing Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who are applying for or have been assigned interests of any kind in Indian tribes, bands, pueblos or corporations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents supporting Individual Indians claims to interests in Indian tribal groups, including birth, marriage and death notices; records of actions taken (approvals, rejections, appeals); rolls of approved individuals; records of actions taken (judgment distributions, per capita payments, shares of stocks); ownership and census data taken using the rolls as a base; and records concerning individuals which have arisen as a result of that individual's receipt of funds or income to which that individual was not entitled or the entitlement was exceeded in the distribution of such funds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine eligibility of individuals who participate in or enjoy benefits from an interest in a tribal group, and (b) provide lists of approved enrollees used to distribute funds or income, or as a base to gather census or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made (1) to the Tribe, Band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriated Federal, State, local or foreign agencies responsible for investigating or prosecuting the

violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a (b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files and computer printouts. Computer: Disk files with mag-tape backup protection.

RETRIEVABILITY:

(a) Indexed by name, identification numbers, family numbers, etc. (b) Retrieved by manual search or computer inquiry.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained. Disk files are perpetual. Prior information on disk is erased as new data is added or changed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the

records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained. Birth, marriage and death certificates, and family and tribal histories.

INTERIOR/BIA-8

SYSTEM NAME:

Indian Social Services Case Files—Interior, BIA-8.

SYSTEM LOCATION:

All Area, Agency and Field Offices of the BIA. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who apply and receive social services and direct assistance from the Bureau of Indian Affairs on Indian reservations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and related card files giving history of social services and direct assistance to individual Indians; and records concerning individuals which have arisen as a result of that individual's receipt of payment or overpayment of direct assistance funds which the individual was not entitled and/or for the misuse of funds disbursed under the direct entitlement program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) provides permanent individual records on social services and direct assistance to individual Indians. (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) granting or access of transfer to another Federal agency, a State or local government Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for social services programs now controlled by the BIA. (2) to the U.S. Department of

Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign Agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; letter files; computer-maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed alphabetically by name of applicant and/or recipient. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Transfer inactive files to GSA Federal Records Center five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write to the System Manager, or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-9.

SYSTEM NAME:

Traders License Files—Interior, BIA-9.

SYSTEM LOCATION:

All Area and Agency Offices of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants requesting licenses to trade on Indian reservations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing applications, bond forms, copies of licenses and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 261.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to identify individuals authorized to trade Indian reservations. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; letter files at Area and Agency Offices.

RETRIEVABILITY:

(a) Indexed alphabetically by name of applicant. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Transfer to the GSA Federal Records Center five years after case becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, for records maintained in the office for which he is responsible, an Agency Superintendent or an Area Director See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-10**SYSTEM NAME:**

Indian Housing Improvement program—Interior, BIA-10.

SYSTEM LOCATION:

(1) Division of Housing Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (2) All Area and Agency Offices. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who qualify as housing improvement participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Housing applications, financial records, and engineering drawing material, and (2) records concerning individuals which have arisen as a result of that individual's receipt of Housing Improvement Program funds for which the individual did not meet prescribed eligibility criteria, or as a

result of the individual's misuse of funds for the purpose(s) disbursed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to maintain a management control of funds distributed to each individual and (b) to provide a progress report on housing improvements. Provides management with an automated information system for program planning, reporting and management utilization. disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual letter files. Computer: Maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed by name of applicant. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Sts, N.W., Washington, D.C. 20245

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency Superintendent or the Area or Field Office Director. See 43 CFR 2.60

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request correction or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-11**SYSTEM NAME:**

Indian Business Development Program (Grants)—Interior, BIA-11.

SYSTEM LOCATION:

(1) Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245. (2) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (3) Area and Agency Offices. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indian Business Grant applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Grant application and supporting documents including financial transactions recording obligations and disbursements of grant funds, and (2) records concerning individuals which have arisen as a result of that individual's receipt of grant funds for which the individual did not meet prescribed eligibility criteria or as a result of the individual's misuse of funds for the purpose(s) disbursed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

88 Stat. 77 (1974).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to identify individual receiving grant. Disclosures outside the Department of the Interior may be made (1) transfer or disclosure to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration in regard to participating funding packages between these agencies and BIA, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: letter files and computer printouts. Computer: mag-tape/disk.

RETRIEVABILITY:

(a) Indexed by individual's name or control number. (b) Retrieved by manual search and through batch inquiries of computer.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained. Prior information on mag-tape is erased as new data is added.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Systems Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or an Agency Superintendent. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

To see your records, write the Systems Manager or the offices cited under "Systems Location". Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained. Legal records such as titles, deeds, probates and birth notices.

INTERIOR/BIA-12**SYSTEM NAME:**

Indian Trust Land Mortgages—Interior, BIA-12

SYSTEM LOCATION:

Area and Agency Offices. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who mortgaged trust land to customary lenders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mortgage records and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 483(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to furnish lender with information on applicant and on status of land and (b) to maintain current information on payments and balances of loan. Disclosures outside the Department of the Interior may be made (1) to disclose or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now

managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration in regard to participating funding between those agencies and BIA, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (6) to title insurance and abstracting companies and attorneys for the purposes of determining ownership of and encumbrances against title.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: letter files.

RETRIEVABILITY:

(a) Indexed by individual's name. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or any Agency Superintendent. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

To request correction or the removal of material from your files, write the System Manager. (See 43 CFR 2.71.)

RECORD SOURCE CATEGORIES:

Mortgage applicants.

INTERIOR/BIA-13**SYSTEM NAME:**

Indian Loan Files—Interior, BIA—13.

SYSTEM LOCATION:

(1) Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20245. (2) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., SW., Albuquerque, NM 87103. (3) Area and Agency offices. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants who applied for or received loans. Applicants who applied for or received guaranteed loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Loan applications and supporting documents, record of payment cards, guaranty agreements, eligibility certificates, default documents, and/or promissory notes, and (2) records concerning an individual's refusal to make required loan payments when it is determined by the United States that the individual has sufficient assets to pay and/or as a result of the individual's misuse of loan proceeds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 482, 461, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to maintain a record of payments and unpaid balances and (b) to provide information on payments made for paying interest subsidy, credits obtained, service loans, and premiums paid by lenders. Disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now maintained by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration, in regard to participating funding between those agencies and BIA, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the

violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: letter files, applications and computer printouts. Computer: mag-tape/disk.

RETRIEVABILITY:

Indexed by individual's name, control number or tribal name. (b) Retrieved by manual search and through batch inquiries.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroy seven years after loan is paid, cancelled, or otherwise disposed of. Prior information on mag-tape is erased as new data is added.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Street NW., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Systems Manager or, with respect to records maintained in the office for which he is responsible, an Area Director or an Agency Superintendent. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the Systems Manager or the offices cited under 'Systems Location'. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-14**SYSTEM NAME:**

Travel Accounting System—Interior, BIA-14.

SYSTEM LOCATION:

(1) Division of Accounting Management, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (2) All Area, Agency, and Field Offices (including the Washington Office) of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are traveling at government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Travel authorization, advances and vouchers, and (2) records concerning an individual's inability to file a proper travel voucher within prescribed time lines to liquidate a travel advance, to repay the difference between an advance and an audited travel voucher, or as a result of an individual's misuse of funds advanced for official travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to identify individuals who are authorized to travel and be reimbursed by the government. Disclosures outside the Department of the Interior may be made (1) disclosure or transfer to another Federal agency, a State or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now controlled by the BIA and that require personal travel at program expense, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: Input documents and printed copies are maintained at the Albuquerque Office and at Area, Agency and Field Offices for individuals under their jurisdiction; Computer: maintained in computer translatable form on mag-tape.

RETRIEVABILITY:

(a) Indexed by name or identification number of traveler. (b) Retrieved by manual search or batch computer processing.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are retained in current status pending final action which is accomplished through batched computer processing. Historical records retained one year then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-15**SYSTEM NAME:**

Trip Reports—Interior, BIA—15

SYSTEM LOCATION:

Central Office, Area, Agency and Field Office of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who are assigned to travel as part of their job.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Copies of reports to supervisors and management officials documenting employee travel, findings and recommendations, and (2) records concerning an individual's failure to submit a prescribed trip report to substantiate official travel when the individual was granted an advance for such travel and as a result of an official trip report that does not substantiate the travel authorized and the individual was advanced funds and/or reimbursed funds for authorized travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, 25 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to provide local files which identify staff officer trip reports by name of individual for each BIA program office. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual-letter files.

RETRIEVABILITY:

(a) Indexed alphabetically by name of traveler. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

As administrative copies, records are destroyed after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary—Indian Affairs (Operations), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Agency Superintendent, the Area or Field Office director with respect to records maintained in the office for which he is responsible or to the System Manager in the Washington Office. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual travelers who prepare the reports.

INTERIOR/BIA-16**SYSTEM NAME:**

Travel Files—Interior, BIA—16

SYSTEM LOCATION:

Central Office, Area, Agency and Field Offices of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who are authorized to travel at government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence, requests, travel authorizations and orders, itineraries and similar papers pertaining to an employee's travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records are (a) to provide administrative copy files on each traveler for local office use, (b) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files; Computer: Maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

Indexed alphabetically by name of traveler. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

As administrative copies, records are destroyed after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20242.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or with respect to records maintained in the office for which he is responsible, the Agency or School Superintendent, or the Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-17

SYSTEM NAME:

Payroll—Interior, BIA-17.

SYSTEM LOCATION:

(1) Division of Employee Data and Compensation, Bureau of Indian Affairs, 500 Gold Ave., SW., Albuquerque, NM 87103. (2) Input documents supplied by all Area, Agency and Field Offices. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the BIA, including all types of employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance data from each pay station are matched with personnel data at the Albuquerque Data Center and payrolls are prepared for distribution by Treasury (RDO), and numerous reports and call-ups are printed out; records concerning an individual's failure to repay salary overpayments and/or as a result of the individual's misuse of leave privileges while employed with the BIA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101, 31 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to prepare payrolls for distribution by the Regional Disbursing Offices of Department of Treasury and (b) to report results to the Office of Personnel Management. Disclosures outside the Department of the Interior may be made (1) granting of access or transfer to a Federal, State or local agency, or to an Indian tribal group or any establishment or individual that assumes jurisdiction, whether by contract to the BIA or by legal transfer, of any program under the control of the BIA, (2) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State and local government agencies, nongovernmental organizations and individuals, (3) to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes, (4) to the Office of Personnel

Management in connection with the Civil Service Retirement System, (5) disclosure to another Federal agency to which an employee has transferred, (6) to the U.S. Department of Justice when related to litigation or anticipated litigation, (7) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (10) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosure may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: Computer printouts, microfiche, microfilm and special input and output forms are retained by user in the Employee Data and Compensation administrative offices; Computer: Master, History, and Recycle Data maintained on mag-tape/disk; a tape backup is stored in off-site vault.

RETRIEVABILITY:

(a) Indexed by name and identifying number of the employee. Computer printouts are in order alphabetic by last name, numeric by social security number and numeric by state code. (b) Retrieved from disk and/or mag-tape, indexed by name and social security number.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Computer printouts are kept one pay period then shredded, microfiche and microfilm are permanent. Disk files are permanent, outdated information is written over during updates; mag-tape files are permanent, yearly and cyclic.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration,
Bureau of Indian Affairs, 1951
Constitution Avenue, NW., Washington,
D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director or Agency Superintendent. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-18**SYSTEM NAME:**

Law Enforcement Services—Interior,
BIA-18.

SYSTEM LOCATION:

(1) All Area, Agency and Field Offices of the BIA. (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals violating laws on Indian Reservations and those who appear in court for violations of 25 CFR regulations. (2) Individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation includes statements of witnesses, statutes involved, evidence seized, photographs, final disposition reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify individuals who have been arrested on Indian Reservations and who have appeared in court for violations of 25 CFR regulations. Disclosures outside the Department of the Interior may be made to the U.S. Department of Justice when related to litigation or anticipated litigation. (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license. (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual. (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in manual form in file folders throughout Area and Agency offices.

RETRIEVABILITY:

Cross referenced by individual's name, case number and docket number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Transfer to GSA Federal Records Center five years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services,
Bureau of Indian Affairs, 18th and C
Streets, N.W., Washington, D.C. 20245.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR Part 2, Subpart D, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37317 (August 26, 1975).

INTERIOR/BIA-19**SYSTEM NAME:**

Indian Association Stock Purchase
Records—Interior, BIA-19.

SYSTEM LOCATION:

Agency Offices (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indian stockholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of purchase of stock in Indian associations by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 1, 1a, 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to identify individual Indians who have stocks in Indian Associations. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, State of local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA, (2) to the Economic Development Administration, Farmers Home Administration and Small Business Administration in regard to participating funding between these agencies and the BIA, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (5) from the record of an individual in response

to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter files.

RETRIEVABILITY:

(a) Indexed by individual's name. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroy three years after disposal of stocks.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA-20

SYSTEM NAME:

Correspondence Files system—Interior, BIA-20.

SYSTEM LOCATION:

Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with or apply to the BIA Central Office on significant business or program matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject and case files pertaining to individual Indians and tribes on various BIA programs and subject matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

The primary use of the record is to provide information for use by Department of the Interior; BIA; Indian Tribes; Indian Claims Commission; and the Indian Claims Division, Office of Finance, GSA. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government, an Indian Tribal Group or a contractor that will have jurisdiction over programs now controlled by the BIA, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files.

RETRIEVABILITY:

(a) Cross-indexed by name of person or firm name and subject. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are permanent and are transferred to the GSA Federal Records Center after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

INTERIOR/BIA-21

SYSTEM NAME:

Correspondence Control System—Interior, BIA-21.

SYSTEM LOCATION:

Office of the Commissioner, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Senators and Congressmen, Governors of States, Indian leaders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950, 25 U.S.C. 1a, 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to provide control for prompt handling or priority correspondence by the Bureau of Indian Affairs. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed alphabetically by name of congressman or letter writer.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Copies are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary—Indian Affairs (Operations), Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual from whom incoming letter was received.

INTERIOR/BIA-22**SYSTEM NAME:**

Indian Student Records—Interior, BIA-22.

SYSTEM LOCATION:

All Area and Agency Offices and BIA schools. (2) Indian Education Resources Center, Bureau of Indian Affairs, 123 Fourth Street, S.W., Albuquerque, NM 87103. (3) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., S.W., Albuquerque, NM 87103. (4) Washington, Computer Center, Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20242. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students or potential students at BIA schools (including contact schools) and applicants for or recipients of BIA scholarships or educational grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student case files, attendance and performance records, banking records and expenditures of tribal benefit funds,

and applications for grants and grant agreements; and records concerning and individual's misuse of BIA scholarship or educational grant funds or as a result of that individual's receipt of payment or overpayment of funds for which the individual was not eligible or entitled.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 271, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to provide permanent individual student records on all phases of the education of Indians in BIA schools or under Government Education Grants. Disclosures outside the Department of the Interior may be made to (1) another federal agency, a State or local government, Indian Tribal Group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumptions of Trust Responsibilities or by other means for school programs now controlled by the BIA; (2) to any domestic recognized school, whether public, private, parochial or other, of those portions of students' records specified by the requesting school as being necessary for the acceptance, placement or satisfactory performance of the student at the requesting school. (3) to an individual or establishment of those portions of students records specified by the requester as necessary for a decision concerning the hiring or retention of the student as an employee of the requester, (4) to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (6) to persons having official involvement in conjunction with a student's application for or grant of financial aid, (7) to parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, as amended, (8) to accreditation agencies in order to carry out their accrediting functions (9) to the Department of Health, Education and Welfare and other governmental

education officials when necessary to carry out their functions, (10) to an educational testing center or similar institution as part of validation research authorized by the school involved, (11) to the U.S. Department of Justice when related to litigation or anticipated litigation, (12) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order or license, and (13) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b) (12): Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: Student case letter files at the schools; Computer: student identification data on mag-tape/disk.

RETRIEVABILITY:

(a) Indexed by name of student and filed by student identification number. (b) Retrieved by manual search and through batch inquiries of computer.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Education Programs, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director, and Agency or School Superintendent or a School Principal. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager or the offices cited under "Records Location". Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material for your files, write the System Manager. (See 43 CFR 2.63.)

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, his parents, teachers, counselors, school principals, doctors, etc.

INTERIOR/BIA-23**SYSTEM NAME:**

Employment Assistance Case Files—Interior, BIA-23.

SYSTEM LOCATION:

Central Office, Area, Agency and Employment Assistance Program Contractors of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who are given assistance in connection with direct employment service or adult vocational training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for assistance, departure and arrival schedules, records documenting financial assistance, training plans, contact sheets recording counseling and guidance service, employment referral and placement records, and reports on progress. Case history of employment assistance for individual Indians; records on a individual's receipt of payment or overpayment of direct employment services or vocational training grant funds for which the individual was not entitled, payment exceeded entitlement or as a result of the individual's misuse of employment assistance funds granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to identify individual Indians who are given direct employment or vocational training, and (b) to provide permanent records on Employment

Assistance to individual Indians. (c) Provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) to another Federal agency, a State or local government, Indian Tribal Group or to any individual or establishment that will have jurisdiction whether by contact to the BIA, by assumption of Trust Responsibilities or by other means, for Employment Assistance Programs now controlled by the BIA, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule order or license, to appropriate Federal, State local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract license, grant or other benefit.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures payment to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual: letter files. Computer: Maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed alphabetically by name of applicant and/or recipient. (b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Transfer inactive files to GSA Federal Records Center five years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, Schools, law enforcement agencies, employers, doctors, other Bureau of Indian Affairs activities having dealings with the applicant, other whom applicant has dealt.

INTERIOR/BIA-24**SYSTEM NAME:**

Timber Cutting and Fire Trespass Claims Case Files—Interior, BIA-24.

SYSTEM LOCATION:

Central Office, Area, Agency and Field Offices of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indian landowners who have filed trespass claims for fire or cutting damage to Indian forest lands under Bureau of Indian Affairs supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigation and Claims Case Files on trespass actions involving fire or cutting damage to Indian forestlands under Bureau of Indian Affairs supervision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 1, 1A, 13; Act of May 10, 1939; 58 Stat. 520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to identify unauthorized timber cutting claims filed against trespassers and/or converters, (b) for property damage claims filed against careless or negligent originators of wildfire which trespasses Indian property, and (c) establishing amounts and types of timber trespassed and their value. Disclosures outside the Department of the Interior may be made (1) authorized legal representative of Tribal Groups or members if necessary for litigation, (2) to the Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of landowner.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Records are disposed of after claims have been settled or closed out in full.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

System Manager or with respect to records maintained in the office for which he is responsible, the Agency or the Area Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed the same as the notification. The request must be in writing and be signed by the requester. The request

must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Indian landowners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart D which implement these subsections. The reasons for adoptions of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/BIA-25

SYSTEM NAME:

Integrated Records Management System—Interior, BIA-25

SYSTEM LOCATION:

(1) Division of Systems Operation, Bureau of Indian Affairs, 500 Gold Ave., SW., Albuquerque, New Mexico 87103;
(2) Central, Area, Agency and Field Offices, Schools of the BIA or contractors providing time-share services to the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indian and Indian Tribal Groups that are owners of real property held in trust by the Government, individuals or groups that are potential or actual lessees of that property, individuals who have been assigned interests of any in Indian Tribes, Pueblos or corporations, and individual Indians who have money accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Land description, current ownership, dower and life estate interest, information on all types of leases or other land uses including grazing, farming, minerals mining, timber and business, etc. Information on individuals including name, address, aliases, sex date of birth, tribal membership and blood quantum, etc. General ledgers showing deposits and withdrawals from Indian accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 151, 25 U.S.C. 392, 25 U.S.C. 415, and 25 U.S.C. 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are:

(a) To control individual Indians money accounts and disclose to them the status of those accounts.

(b) Identification of individual Indians and Indian Tribal groups with interest in lands held in trust.

(c) Control of leases on Indian trust lands and real property, and collection and distribution of lease income.

(d) Bill individual owners or lessees for irrigation.

(e) Determination of eligibility of individuals to participate in or enjoy benefits from an interest in or enjoy benefits from an interest in a tribal group.

(f) Lists of approved enrollees used to distribute funds or income, or as a base to gather consensus or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made.

(1) To the Tribe, band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder.

(2) To a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency's decision on the matter.

(4) To the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

(5) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files, computer readable media, input forms and computer printouts. Computer: mag tape and disk files.

RETRIEVABILITY:

(a) Indexed by name, identification numbers, family numbers, lease numbers, tract numbers, etc.

(b) Retrieved by manual search or computer inquiry.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Permanent records are retrieved. Closed or inactive records are transferred to GSA storage. Prior information on mag tape erased as updated information is added to the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Administrative Services Center, 500 Gold Ave., SW., Albuquerque, NM 87103.

NOTIFICATION PROCEDURE:

System Manager or with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Enrollees or claimants. Birth, marriage and death certificates, and family and tribal histories. Owners and lessees. Titles, deeds, probates, all types of land and water rights and usages documents. Individual Indians, depositors in the accounts and claimants against the accounts.

[PR Doc. 83-24859 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Reviewing Official at 202-395-7340.

Title: American Flats User Preference Study
Bureau Form Number: N/A
Frequency: One season
Description of Respondents: Recreation Visitors to Public Lands
Annual Responses: 2440
Annual Burden Hours: 250
Bureau clearance officer (alternate): Linda Gibbs, 202-653-8853

James M. Parker,
Acting Director.

August 1, 1983.

[PR Doc. 83-24811 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Pending Nominations; Alabama

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 3, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by September 28, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Jefferson County

Birmingham, First National-John A. Hand Building, 17 N. 20th St.

ARKANSAS

Monroe County

Clarendon, Moore-Jacobs House, 500 N. Main St.

Pulaski County

Little Rock, First Missionary Baptist Church, 701 S. Gaines St. North Little Rock, Matthews House, 406 Goshen

CALIFORNIA

Los Angeles County

Torrance, Torrance School (Torrance High School Campus TR), 2200 W. Carson

COLORADO

La Plata County

Durango, Colorado Ute Power Plant, 14th St. and Animas River

FLORIDA

Duval County

Jacksonville, Stanton, Edwin M., School, 521 W. Ashley St.

Escambia County

Pensacola, Crystal Ice Company Building, 2024 N. Davis St.

Pensacola, Edmunds, John, Apartment House (Mirodor), 2007 E. Gadsden St.

IOWA

Decatur County

Lamoni vicinity, Liberty Hall, Main St.

Iowa County

Norway vicinity, Lenox Township Church of the New Jerusalem, S. of Norway

Johnson County

Iowa City, Summit Apartment Building, 220 S. Summit St.

Polk County

Des Moines, Scottish Rite Consistory Building, 6th Ave. and Park St.

Wapello County

Ottumwa, Foster/Bell House, 205 E. 5th St.

Woodbury County

Sioux City, Everist, H. H., House, 37 McDonald Dr.

KENTUCKY

Madison County

Richmond, Arlington (Richmond MRA), Lexington Rd.

Richmond, Blair Park (Richmond MRA), 100 Rosedale St.

Richmond, Bronston Place (Richmond MRA), Woodland Ave.

Richmond, Burnwood (Richmond MRA), Burnam Court

Richmond, Clay, Pattie Field, House (Richmond MRA), W. Main St.

Richmond, Eastern Kentucky University Historic District (Richmond MRA), Lancaster, Crabbe Sts. and University Dr.

Richmond, Elmwood (Richmond MRA), Lancaster Ave.

Richmond, Holloway, William, House (Rosehill) (Richmond MRA), Hillsdale St.

Richmond, Mt. Pleasant (Richmond MRA), 2nd and Water Sts.

Richmond, Richmond Cemetery (Richmond MRA), E. Main St.

Richmond, *Squire Turner House* (Richmond MRA), 302 N. 2nd St.
 Richmond, *Taylor House* (Richmond MRA), 216 Water St.
 Richmond, *Walker House* (Richmond MRA), 315 Lancaster Ave.
 Richmond, *West Richmond Historic District* (Richmond MRA), Roughly W. Main St. between Church and Norwood Sts.
 Richmond, *Woodlawn* (Richmond MRA), Big Hill Pike

LOUISIANA

East Baton Rouge Parish
 Baton Rouge, *Armour Building*, Mayflower St. (Addendum to Beauregard Town Historic District)

MAINE

Knox County
 St. George vicinity, *Mosquito Island House*, of St. George on Mosquito Island

MONTANA

Missoula County
 Missoula, *Grand Pacific Hotel*, 118 W. Alder

NEW YORK

St. Lawrence County
 Canton, *Village Park Historic District*, 7-100 Main St., N and 70, 76, 80, 90, Main St. S (Boundary Increase)

NORTH DAKOTA

Burleigh County
 Bismark, *Webb Brothers Block*, 317 E. Main Ave.
 Cass County
 Fargo, *Downtown Fargo District*, Roughly Roberts St., from S. 11st Ave. to 5th Ave. N., and Main Ave.,
 Fargo, *Fargo South Residential District*, Roughly by 5th and 17th Aves. S., 7th and 9th Sts. S.

Emmons County
 Hague, *St. Mary's Church Non-Contiguous Historic District*, Off ND 11

Richland County
 Wahpeton, *Wahpeton Hospital*, 730-722 Dakota Ave.

OHIO

Hamilton County
 Cincinnati, *Eckert Building*, 2600 Woodburn Ave.

Hancock County
 Findlay, *Linawea, Albert Dr., House*, 1224 S. Main St.

Lake County
 Willoughby, *Smart Building*, 4143-4145 Erie St.

Lucas County
 Toledo, *Birkhead Place District*, Birkhead Pl.

Summit County
 Akron, *Merriman, Wells E., House*, 641 W. Market St.

PENNSYLVANIA

Lancaster County
 Mascot, *Mascot Roller Mills* (Ressler's Mill), Newport and Stumptown Rds.

PUERTO RICO

San Juan County
 Puerto de Tierra, *School of Tropical Medicine*, Ponce de Leon Ave.
 San Juan, *Fortin de Geronimo de Boqueron*, Puerto de Tierra

UTAH

Salt Lake County
 Salt Lake City, *Cummings, Byron, House* (Perkins Addition Streetcar Suburb TR), 936 E. 1700 S.
 Salt Lake City, *Dinny, Harper J., House* (Perkins Addition Streetcar Suburb TR), 925 E. Logan Ave.
 Salt Lake City, *Judd, John W., House* (Perkins Addition Streetcar Suburb TR), 918 E. Logan Ave.
 Salt Lake City, *Luce, Henry, House* (Perkins Addition Streetcar Suburb TR), 921 E. 1700 S.
 Salt Lake City, *Mabry-Van Pelt House* (Perkins Addition Streetcar Suburb TR), 946 E. 1700 S.
 Salt Lake City, *Mitchell, Alexander, House* (Perkins Addition Streetcar Suburb TR), 1820 S. 10000 E.
 Salt Lake City, *Pearsall, Clifford R., House* (Perkins Addition Streetcar Suburb TR), 950 E. Logan Ave.
 Salt Lake City, *Weeks, Charles H., House* (Perkins Addition Streetcar Suburb TR), 935 E. Logan Ave.
 Salt Lake City, *Yankee, Elgin, S., House* (Perkins Addition Streetcar Suburb TR), 955 E. 1700 S.
 Salt Lake City, *Yardley, Thomas, House* (Perkins Addition Streetcar Suburb TR), 955 E. Logan Ave.

VERMONT

Orange County
 Chelsea, *Chelsea Village Historic District*, N. and S. Main, Jail, School, Court and Church Sts., Maple and Highland Aves.

VIRGINIA

Albemarle County
 Ivy vicinity, *D. S. Tavern*, U.S. 250
 Clarke County
 White Post, *White Post Historic District*, VA 658 and 628
 Portsmouth (Independence City)
 Port Norfolk Historic District Roughly bounded by Bayview Blvd., Chataqua Ave., Hartford St., Douglas Ave. and Hull Creek

Richmond (Independent City)
 English Village, 3418-3450 Grove Ave.

Wythe County
 Cornett Archaeological Site (44 WY1)

The following property is being moved in order to avoid demolition.

OKLAHOMA

Canadian County
 El Reno, *El Reno Hotel*, (proposed move—300 S. Choctaw)

[FR Doc. 83-24883 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-70-M

Fletchers Boathouse, Inc.; Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Fletchers Boathouse, Inc., authorizing it to continue to provide boat, canoe and bicycle rental and bait, tackle and food sales facilities and services for the public at the C&O Canal National Historical Park for a period of five (5) years from January 1, 1984, through December 31, 1988.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1983, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants Fletchers Boathouse, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Fletchers Boathouse, Inc. If Fletchers Boathouse, Inc. amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Fletchers Boathouse, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, C&O Canal National Historical Park, for information as to the requirements of the proposed contract.

Dated: August 26, 1983.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 83-21622 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on October 5, 1983, at the Jefferson Parish Council Chambers, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

- Cooperative agreement; Albania Plantation and Fort Proctor;
- Development Program Status;
- Interpretive Program Expansion;
- Land Protection Plan;
- Louisiana World Exposition.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, c/o Municipal Auditorium, 1201 St. Peter's Street, New Orleans, Louisiana 70116, telephone, area code 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: August 31, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-24879 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-70-M

National Park System Advisory Board; History Areas Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, as amended, that a meeting of the History Areas Committee of the National Park System Advisory Board will be held on October 4, 1983, commencing at 10 a.m. in Hearing Room No. 2, 1100 L Street NW., Washington, DC.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. At this meeting the History Areas Committee of the National Park System Advisory Board will meet to consider potential National Historic Landmarks as follows:

1. Steamship SS Wapama.
2. Fort Sheridan, Illinois.
3. Joseph H. Rainey House, Georgetown, South Carolina.

The committee will also receive status reports on the History Program; Man-in-Space theme study; War in the Pacific theme study; and Cape Canaveral Air Force Station.

The form recommendations of the Committee will be made to the National Park System Advisory Board at its meeting on October 27-28, 1983 in Yosemite National Park, California. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of its History Areas Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Mr. Benjamin Levy, History Division, National Park Service, Washington, D.C., at (202) 343-8164.

Minutes of the meeting will be available for public inspection 4 to 6 weeks after the meeting in room 4209, 1100 L Street NW., Washington, DC.

Dated: September 8, 1983.

Mark S. Carroll,

Acting Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 83-24881 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a public hearing of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Monday, October 3, 1983 at 7:30 p.m. in the gymnasium at Lindero Canyon Middle School, 5844 Larboard Lane, Agoura, CA.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows: Dr. Norman P. Miller, Chairperson, Honorable Marvin Braude, Ms. Sarah Dixon, Ms. Margot Feuer, Dr. Henry David Gray, Mr. Edward Heidig, Mr. Frank Hendler, Ms. Mary C. Hernandez, Mr. Peter Ireland, Mr. Bob Lovellette, Ms. Susan Barr Nelson, Mr. Carey Peck, and Mr. Donald Wallace.

The topics for the meeting will be the following:

- Superintendent's Status Report.
- Status Report on the Draft Land Protection Plan.

Recommendations on the Draft Development Concept Plan for Rancho Sierra Vista.

Committee Report on hunting within the National Recreation Area.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

A summary of public comment will be available for public inspection by November 29, 1983 at the above address.

Dated: August 30, 1983.

William Webb,

Acting Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 83-24686 Filed 9-12-83; 8:45 am]

BILLING CODE 4310-70-M

**INTERSTATE COMMERCE
COMMISSION****[Docket No. AB-6 (Sub-No. 158)]****Rail Carriers; Burlington Northern
Railroad Co.; Abandonment, Walla
Walla and Columbia Counties, WA;
Findings**

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 31.18-mile rail line between milepost 88.00 near Walair and milepost 98.51 near Dayton in Walla Walla and Columbia Counties, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-24676 Filed 9-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-28 (Sub-No. 6)]**Rail Carriers; Central of Georgia
Railroad Co.; Abandonment and
Discontinuance of Service, Coffee,
Jeff Davis, Montgomery, Toombs, and
Emanuel Counties, GA; Findings**

The Commission has issued a certificate authorizing the Central of Georgia Railroad Company to: (1) Abandon a 26.1-mile line of railroad between milepost GF-93.0 near Douglas, GA, and milepost GF-119.1 near Hazlehurst, GA, in Coffee and Jeff Davis Counties, GA; and (2) discontinue service over a 46.0 mile line of railroad between milepost GF-125.0 near Hazlehurst to milepost GF-171.0 near Kirby, GA, in Jeff Davis, Montgomery, Toombs, and Emanuel Counties, GA. The abandonment and discontinuance of service certificate will become effective 30 days after this publication

unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-24677 Filed 9-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30242]**Rail Carriers; Southern Pacific
Transportation Co.; Discontinuance of
Service Exemption in Fresno County,
CA**

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission under 49 U.S.C. 10505 exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* discontinuance of service by Southern Pacific Transportation Company over a 12.337-mile segment of railroad line in Fresno County, CA, subject to the standard labor protective conditions.

DATES: This exemption shall be effective on October 13, 1983. Petitions to stay the effectiveness of this decision must be filed by September 23, 1983. Petitions for reconsideration must be filed by October 3, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30242 to:

- (1) Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.
- (2) Petitioner's representative: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S.

InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: August 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre would delete the requirement that the Commission be notified of consummation.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-24678 Filed 9-12-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR**Employment Standards
Administration, Wage and Hour
Division****Minimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions****Correction**

In FR Doc. 83-23931 beginning on page 40060 in the issue of Friday, September 2, 1983, make the following correction:

On page 40060, third column, the positions of the two lists should be reversed so that the one showing Alabama through Washington is under the text for **Modifications**, and the one showing Indiana through Wisconsin is under the text for **Supersedeas Decision**.

BILLING CODE 1505-01-M

**Employment and Training
Administration****Employment Transfer and Business
Competition Determinations Under the
Rural Development Act; Applications**

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new

branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, NW., Room 8000—Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of September 1983.

Robert S. Kenyon,

Director, Office of Program Operations.

APPLICATIONS RECEIVED DURING THE WEEK ENDING SEPTEMBER 10, 1983

Name of applicant and location of enterprise	Principal product or activity
Westfield Tanning Company, Westfield, Pennsylvania.	Leather tannery (vegetable process)

[FR Doc. 83-24847 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Ford Motor Co., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 29, 1983–September 2, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,088; Ford Motor Co.,
Chesterfield Trim Plant, Mt.
Clements, MI

TA-W-14,085; Ford Motor Co., Sheldon
Road, Plymouth, MI

TA-W-14,086; Ford Motor Co., Green
Island Plant, Troy, NY

TA-W-14,087; Ford Motor Co.,
Ypsilanti, MI

TA-W-14,088; Ford Motor Co.,
Rawsonville, MI

TA-W-14,089; Ford Motor Co.,
Sandusky, OH

TA-W-14,090; Ford Motor Co.,
Dearborn Engine, Dearborn, MI

TA-W-14,100; Ford Motor Co., Chicago
Stamping, Chicago, IL

TA-W-14,101; Ford Motor Co.,
Dearborn Frame, Dearborn, MI

TA-W-14,102; Ford Motor Co.,
Dearborn Stamping, Dearborn, MI

TA-W-14,103; Ford Motor Co.,
Dearborn Tool & Die, Dearborn, MI

TA-W-14,110; Ford Motor Co., Saline
Plant, Saline, MI

TA-W-14,111; Ford Motor Co., Livonia,
MI

TA-W-14,113; Ford Motor Co., Canton
Forge, Canton, OH

TA-W-14,114; Ford Motor Co., Batavia
Transmission, Batavia, OH

TA-W-14,115; Ford Motor Co.,
Sharonville Plant, Cincinnati, OH

TA-W-14,116; Ford Motor Co.,
Indianapolis, IN

TA-W-14,117; Ford Motor Co., Van
Dyke, MI

TA-W-14,082; Ford Motor Co., Vulcan
Forge Plant, Detroit, MI

TA-W-14,093; Ford Motor Co., Wixom
Warehouse, Wixom, MI

TA-W-14,094; Ford Motor Co., Glass
Technical Center, Dearborn, MI

TA-W-14,095; Ford Motor Co.,
Dearborn Glass, Dearborn, MI

TA-W-14,096; Ford Motor Co.,
Nashville Glass, Nashville, TN

TA-W-14,129; Ford Motor Co., Seattle
PDC, Seattle, WA

TA-W-14,130; Ford Motor Co., Detroit
PDC, Detroit, MI

TA-W-14,131; Ford Motor Co.,
Cincinnati PDC, Cincinnati, OH

TA-W-14,132; Ford Motor Co., Kansas
City PDC, Kansas City, MO

TA-W-14,134; Ford Motor Co., Chicago
PDC, Chicago, IL

TA-W-14,135; Ford Motor Co., San
Francisco PDC, San Jose, CA

TA-W-14,136; Ford Motor Co., Part
Redistribution Center, Brownstown,
MI

TA-W-14,137; Ford Motor Co., National
Distribution PDC, Detroit, MI

TA-W-14,138; Ford Motor Co., Detroit
Area Distribution, Dearborn, MI

TA-W-14,139; Ford Motor Co., Service
Research Center, Dearborn, MI

TA-W-14,140; Ford Motor Co., Detroit
Parts Depot, Dearborn, MI

TA-W-14,141; Ford Motor Co., Ford
Parts & Service Div., General
Office, Dearborn, MI

TA-W-14,142; Ford Motor Co., Dallas
PDC, TX

- TA-W-14,143; Ford Motor Co., Atlanta PDC, Atlanta, GA
- TA-W-14,144; Ford Motor Co., Twin Cities PDC, St. Paul, MN
- TA-W-14,145; Ford Motor Co., Memphis PDC, Memphis, TN
- TA-W-14,146; Ford Motor Co., Mahwah PDC, Mahwah, NJ
- TA-W-14,147; Ford Motor Co., Delaware Valley PDC, Delaware Valley, NJ
- TA-W-14,148; Ford Motor Co., VA District PDC, Richmond, VA
- TA-W-14,149; Ford Motor Co., Denver PDC, Denver, CO
- TA-W-14,150; Ford Motor Co., Los Angeles PDC, Pico Rivera, CA
- TA-W-14,151; Ford Motor Co., Charlotte PDC, Charlotte, NC
- TA-W-14,152; Ford Motor Co., Jacksonville PDC, Jacksonville, FL
- TA-W-13,821; General Motors Corp., Harrison Radiator Div., Dayton, OH
- TA-W-13,823; General Motors Corp., Fisher Body Div., Trenton, NJ
- TA-W-13,871; General Motors Corp., AC Spark Plug Div., Oak Creek, WI
- TA-W-14,232; General Motors Corp., Cadillac Motor Car Div., Livonia, MI
- TA-W-14,233; General Motors Corp., Chevrolet Adrian Plants, Adrian, MI
- TA-W-14,234; General Motors Corp., Chevrolet Div., Bay City, MI
- TA-W-14,235; General Motors Corp., Guide Div., Monroe, LA
- TA-W-14,238; General Motors Corp., Oldsmobile Div., Lansing, MI
- TA-W-14,243; General Motors Corp., Delco Electronics Div., Kokomo, IN
- TA-W-14,244; General Motors Corp., Delco Electronics Div., Milwaukee, WI
- TA-W-14,245; General Motors Corp., Delco Remy Div., Anderson, IN
- TA-W-14,246; General Motors Corp., Delco Remy Div., Muncie, IN
- TA-W-14,249; General Motors Corp., Delco Remy Div., Albany, GA
- TA-W-14,250; General Motors Corp., Delco Remy Div., Meridian, MS
- TA-W-14,251; General Motors Corp., Rochester Products Div., Rochester, NY
- TA-W-14,252; General Motors Corp., Rochester Products Div., Tuscaloosa, AL
- TA-W-14,253; General Motors Corp., Rochester Products Div., Grand Rapids, MI
- TA-W-14,254; General Motors Corp., Central Foundry Div., Danville Plant, Tilton, IL
- TA-W-14,255; General Motors Corp., Central Foundry Div., Massena, NY
- TA-W-14,256; General Motors Corp., Central Foundry Div., Saginaw, MI
- TA-W-14,257; General Motors Corp., Central Foundry Div., Defiance, OH
- TA-W-14,258; General Motors Corp., Central Foundry Div., Bedford, IN
- TA-W-14,259; General Motors Corp., Central Foundry Div., Pontiac, MI
- TA-W-14,260; General Motors Corp., Delco Moraine Div., Fredericksburg, VA
- TA-W-14,261; General Motors Corp., Delco Moraine Div., Dayton, OH
- TA-W-14,262; General Motors Corp., Harrison Radiator Div., Buffalo, NY
- TA-W-14,263; General Motors Corp., Harrison Radiator Div., Lockport, NY
- TA-W-14,264; General Motors Corp., Hydra-Matic Div., Ypsilanti, MI
- TA-W-14,265; General Motors Corp., Hydra-Matic Div., Warren, MI
- TA-W-14,266; General Motors Corp., Hydra-Matic Div., Three Rivers, MI
- TA-W-14,267; General Motors Corp., New Departure-Hyatt Div., Sandusky, OH
- TA-W-14,269; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,270; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,271; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,272; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,273; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,274; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,275; General Motors Corp., Saginaw Steering Gear Div., Saginaw, MI
- TA-W-14,276; General Motors Corp., Saginaw Steering Gear Div., Athens, AL
- TA-W-14,277; General Motors Corp., Saginaw Steering Gear Div., Athens, AL
- TA-W-14,278; General Motors Corp., Saginaw Steering Gear Div., Athens, AL
- TA-W-14,287; General Motors Corp., AC Spark Plug Div., Wichita Falls, TX
- TA-W-14,288; General Motors Corp., AC Spark Plug Div., Flint, MI
- TA-W-14,289; General Motors Corp., Chevrolet Motor Div., Parma, OH
- TA-W-14,290; General Motors Corp., Central Foundry Div., Tonawanda, NY
- TA-W-14,298; General Motors Corp., Chevrolet Motor Div., Tonawanda Forge, Tonawanda, NY
- TA-W-14,300; General Motors Corp., Chevrolet Motor Div., Toledo, OH
- TA-W-14,301; General Motors Corp., Chevrolet Motor Div., Muncie, IN
- TA-W-14,302; General Motors Corp., Chevrolet Motor Div., Livonia, MI
- TA-W-14,303; General Motors Corp., Truck & Bus Manufacturing Div., Indianapolis, IN
- TA-W-14,304; General Motors Corp., Chevrolet Motor Div., Metal Fabricating Plant, Flint, MI
- TA-W-14,307; General Motors Corp., Chevrolet Motor Div., Detroit Plants, Detroit, MI
- TA-W-14,310; General Motors Corp., Chevrolet Motor Div., Buffalo, NY
- TA-W-14,375; General Motors Corp., Central Foundry Div., Saginaw Metal Casting Plants, Saginaw, MI
- TA-W-14,375A; General Motors Corp., Chevrolet Motor Div., Saginaw Mfg. Plant, Saginaw, MI
- TA-W-14,375B; General Motors Corp., Chevrolet Motor Div., Saginaw Parts Plant, Saginaw, MI
- TA-W-14,439; General Motors Corp., Packard Electric Div., Clinton, MS
- TA-W-14,458; General Motors Corp., Packard Electric Div., Warren, OH
- TA-W-14,459; General Motors Corp., Delco Products Div., Dayton, OH
- TA-W-14,460; General Motors Corp., Delco Remy Div., New Brunswick, NJ
- TA-W-14,588; General Motors Corp., Packard Electric Div., Brookhaven, MS
- In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.
- TA-W-14,281; General Motors Corp., Harahan, LA Parts Warehouse
- Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.
- TA-W-14,282; General Motors Corp., Halethorpe, MD Rebuild Branch
- Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.
- TA-W-14,283; General Motors Corp., St. Paul, MN Parts Warehouse
- Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.
- TA-W-14,284; General Motors Corp., Hazelwood, MO Rebuild Branch & Parts Warehouse
- Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.
- TA-W-14,285; General Motors Corp., Fort Worth, TX Parts Warehouse

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,286; General Motors Corp., Omaha, NB Parts Warehouse

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,291; General Motors Corp., La Grange, IL

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,292; General Motors Corp., La Grange, IL

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,293; General Motors Corp., Atlanta, GA Parts Warehouse

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,294; General Motors Corp., Jacksonville, FL Rebuild Branch

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

TA-W-14,295; General Motors Corp., Commerce, CA Rebuild Branch & Parts Warehouse

Aggregate U.S. imports of diesel-electric locomotives did not increase as required for certification.

Affirmative Determinations

TA-W-14,084; Ford Motor Co., Sheffield Aluminum Casting Plant, Sheffield, AL

A certification was issued covering all workers separated on or after April 25, 1982.

TA-W-14,564; Levi Strauss & Co., Charleston Heights, SC

A certification was issued covering all workers separated on or after March 7, 1982 and before September 1, 1983.

TA-W-14,236; General Motors Corp., Anderson, IN

A certification was issued covering all workers separated on or after May 14, 1982 and before January 1, 1983.

TA-W-14,105; Ford Motor Co., Stamping Plant, Buffalo, NY

A certification was issued covering all workers separated on or after June 2, 1982 and before October 1, 1982.

TA-W-14,069; Ford Motor Co., Utica Trim, Utica, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,074; Ford Motor Co., B & A General Office, Dearborn, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,083; Ford Motor Co., "B" Bldg., Pattern Shop, Dearborn, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,091; Ford Motor Co., Engine Plant General Office, Dearborn, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,092; Ford Motor Co., Lima Engine, Lima, OH

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,098; Ford Motor Co., Woodhaven Stamping, Woodhaven, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,099; Ford Motor Co., Walton Hills Stamping, Cleveland, OH

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,104; Ford Motor Co., Monroe Plant, Monroe, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,106; Ford Motor Co., Maumee Stamping, Maumee, OH

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,107; Ford Motor Co., Mt. Clemens Paint, Mt. Clemens, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,108; Ford Motor Co., Mt. Clemens Vinyl, Mt. Clemens, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,109; Ford Motor Co., Milan Plastics, Milan, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,112; Ford Motor Co., Sterling Plant, Sterling, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,153; Ford Motor Co., Research Engineering, Technical & Transportation Operations, Detroit, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,154; Ford Motor Co., Rouge Sales, Operations Staff Renaissance Center, Detroit, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,155; Ford Motor Co., Rouge Complex—Technical & Transportation Operations, Detroit, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,156; Ford Motor Co., Personnel & Organization Staff, Operations Service Office, Finance Staff, Rouge Complex, Dearborn, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

TA-W-14,157; Ford Motor Co., North American Automotive Operations, Rouge Area, Dearborn, MI

A certification was issued covering all workers separated on or after April 25, 1982 and before October 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period August 29, 1983–September 2, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 6, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-24930 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Copeland Corp., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II,

Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 23, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 23, 1983.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Copeland Corp. (IUE)	West Union, Ohio	8/31/83	8/29/83	TA-W-14,960	Compressors—refrigeration, air conditioners, walk-in coolers, dairy cases.
FMC Corp., Industrial Chemical Group (USWA)	So. Charleston, WV	8/31/83	8/26/83	TA-W-14,961	Ammonia.
General Instrument Corp., RF Systems Div. (UE)	Sherburne, NY	8/26/83	8/24/83	TA-W-14,962	Antennas.
Goodyear Tire & Rubber Co., Plant II (URW)	Akron, Ohio	8/26/83	8/22/83	TA-W-14,963	Rotary type hose.
Hein-Werner Corp. (IAMAW)	Waukesha, WI	8/31/83	8/20/83	TA-W-14,964	Hydraulic jacks.
Muench-Kreuzer Candle Co. (USWA)	Syracuse, NY	8/29/83	8/24/83	TA-W-14,965	Candles.
(The) Newburgh & South Shore Railway Co. (BRAC)	Cleveland, Ohio	8/29/83	8/25/83	TA-W-14,966	Transporting steel and steel producing products—coal, coke ore.
RCA Records (IBEW)	Rockaway, NJ	8/26/83	8/22/83	TA-W-14,967	Distribution of finished records and tapes.
Southern Appalachian Coal Co. (workers)	Julian, WV	8/26/83	8/23/83	TA-W-14,968	Steam coal for power plants.
West Virginia Malleable Iron Co. (USWA)	Point Pleasant, WV	8/29/83	8/24/83	TA-W-14,969	Malleable iron castings.

[FR Doc. 83-24931 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,889]

Adjustment Assistance; Ford Motor Co., Predelivery Service Corp., Houston, Texas; Negative Determination Regarding Application for Reconsideration

By an application dated July 31, 1983, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at Ford Motor Company's Predelivery Service Corporation at Houston, Texas. The determination was published in the Federal Register on July 29, 1983 (48 FR 34543).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioner claims that workers were certified for trade adjustment

assistance at other locations of Ford's Predelivery Service (PSC) and that Houston's PSC operations were identical to those whose workers were certified, e.g., La Mirada, California, TA-W-7924 and Portland Oregon, TA-W-8529-C.

The Department's review shows that Ford's PSC centers do not produce an article within the meaning of Section 222(3) of the Act but instead provide services on new automobiles for dealerships. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222 of the Trade Act of 1974; and this determination has been upheld in the U.S. Court of Appeals. Therefore, the only way workers at PSC centers may be certified is if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which substantially beneficially owns or controls the service workers' firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports. Although the PSC center in Houston is a wholly owned subsidiary of the Ford Motor Company, the separation of its workers cannot be

related to a facility whose workers independently meet the statutory criteria for certification. In June 1983, the Department denied as eligible to apply for adjustment assistance the majority of workers engaged in the production of automobiles at all Ford assembly plants.

With respect to the workers of Ford's five PSC centers previously filing petitions for trade adjustment assistance, the Department certified on January 9, 1981 only workers at the La Mirada, California and Portland, Oregon centers since the major share of automobiles serviced at those locations were domestically produced at Ford plants throughout the U.S. whose workers independently met the group certification criteria of the Trade Act of 1974. Workers at Houston, Texas (TA-W-8529-B) Portsmouth, Virginia (TA-W-8529-D) and Tampa, Florida (TA-W-8529-A) were denied eligibility to apply for adjustment assistance since they exclusively serviced imported vehicle during the time of the Department's investigation. Increased imports, therefore, would have led to sales increases, not decreases.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this August 31, 1983.

Carolyn M. Golding,

Director, Unemployment Insurance Service,

[FR Doc. 83-24928 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,999]

Adjustment Assistance; Park-Ohio Industries, Inc., Ohio Crankshaft Division, Cleveland, Ohio; Affirmative Determination Regarding Application for Reconsideration

By an application dated August 18, 1983, the United Auto Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers of the Ohio Crankshaft Division of Park-Ohio Industries, Incorporated, Cleveland, Ohio. The determination was published in the *Federal Register* on July 22, 1983 (48 FR 33552).

The application for reconsideration claims, among other things, that the instant company had lost bids to foreign companies in 1982 on crankshaft orders.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore, granted.

Signed at Washington, D.C., this September 7, 1983.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83-24929 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,531]

Adjustment Assistance; Wasser & Fluhrer, Inc., Kalama, Washington; Negative Determination on Reconsideration

On July 1, 1983, the department issued an Affirmative Determination Regarding Application for reconsideration for workers and former workers producing cedar shakes and shingles at Wasser & Fluhrer, Incorporated (W&F), Kalama, Washington. This determination was published in the *Federal Register* on July 12, 1983 (48 FR 31923).

The Department initiated the reconsideration on its own motion to insure that the "contributed importantly" test results used in the

decision were adequate. The original decision issued on March 16, 1983 denied trade adjustment assistance benefits to workers of W&F engaged in the production of cedar shakes and shingles. That determination was based primarily on the sharp decline in domestic housing starts which began in late 1979. In affirming reconsideration the department decided to expand the test by conducting a survey of company customers to determine the extent to which they shifted purchases to foreign sources. The results of the customer survey are used to substantiate that increased imports of articles like or directly competitive with those produced by workers of W&F have contributed importantly to decreased company sales and production and to worker separations.

The Department found through its customer survey for the period 1979 through 1981 that the respondents accounting for a substantial amount of the W&F's 1981 sales showed that they either did not import cedar shakes and shingles or they reduced purchases of imported cedar shakes and shingles in 1981 compared to 1980. These results were generally true for the 1979 and 1980 period except that one respondent which decreased its purchases from W&F increased its import purchases somewhat. However, this customer also greatly increased its purchases of cedar shakes and shingles from other domestic firms.

In summation, the Department's review and reconsideration of the case shows that the worker petition did not meet the "contributed importantly" test of Section 222(3) of the Trade Act of 1974. U.S. imports of red cedar shakes, shingles, hips and ridges declined absolutely in 1980 compared to 1979 and in the first nine months of 1981 compared to the same period in 1980. Further, W&F's cedar shakes and shingles are primarily destined for the home construction industry in the southwest region of the United States. The declines in production and employment at the mill in 1980 coincided with a sharp downturn in domestic housing starts which began in late 1979. According to U.S. Department of commerce statistics, new housing starts declined by 26 percent in 1980 compared to 1979.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Wasser & Fluhrer, Incorporated, Kalama, Washington.

Signed at Washington, D.C. this September 7, 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 83-24927 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Washington, D.C. on September 27-28, 1983. The meeting will begin at 9:45 a.m. on Tuesday September 27, in Room N3437 of the Frances Perkins Department of Labor Building (formerly the New Department of Labor Building), Third Street and Constitution Avenue, NW., Washington, D.C. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the Administration of the Act.

New members will be sworn in at this meeting. The agenda will include a discussion of health policy and reports on the recent activities of OSHA and NIOSH.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, telephone: (202) 523-8024.

Official records of the meeting will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this _____ day of September 1983.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 83-24932 Filed 9-12-83; 8:45 am]

BILLING CODE 4510-26-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Revision, Form S-18, No. 270-119

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance proposed revisions to Form S-18; the simplified Securities Act of 1933 registration form currently available to certain nonreporting issuers for the registration of securities not exceeding an aggregate amount of \$5 million.

The form provides a basis for the Commission to fulfill its statutory responsibility of requiring the filing of a registration statement making publicly available information regarding securities being publicly sold.

Submit comments to OMB Desk Officer: Mr. Robert Veeder (202) 395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,
Secretary.

September 6, 1983.

[FR Doc. 83-24987 Filed 9-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20156; File No. SR-CBOE-83-29]

Self-Regulatory Organizations; Proposed Rule Change By Chicago Board Options Exchange, Inc., Relating to Terms of Option Contracts

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 2, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange

Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Rule 24.9. The Exchange shall determine fixed point intervals of exercise prices for call and put options. *Index option contracts may expire at three-month intervals or in consecutive months. When option contracts on a particular index expire in consecutive months, series expiring in no more than four months may be listed.*

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in section (A), (B), and (C) below.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.* The purpose of the proposed rule change is to permit CBOE to list index options which expire in consecutive months. Heretofore options on stock, debt, and indexes have expired at three-month intervals, on the Saturday following the third Friday of the expiration month. In the case of index options, a comparison of volume for the expiration months indicates that the market participants strongly prefer to trade options series expiring in the nearby expiration month. This rule change is designed to respond to that preference. It will give CBOE the authority list index options series in up to four consecutive months. Option contracts will continue to expire on the Saturday following the third Friday of the expiration month. Terms of the options contracts and manner of trading them will also remain the same in every respect.

CBOE does not believe this proposal will adversely affect liquidity. As noted above, volume is concentrated in series expiring in the closest expiration month. Even if the volume in the nearby month is spread over three months, it is sufficient to maintain a reasonably deep and liquid market in series expiring in each of three months.

CBOE is also proposing to modify the

Exchange's policy concerning the minimum duration of new options series. Presently the policy is not to list new option series if the new series would expire in less than 45 days. The proposed policy for index options is to permit the Exchange to list new series if they would expire in no less than 30 days. This change is consistent with the proposal to list index options expiring in consecutive months. The purpose of the "45 day rule" is to prevent the proliferation of new series which will expire in a short time and are unlikely to generate adequate liquidity. Experience with index options has demonstrated that there is significant interest in trading expiring series up to and including the week before expiration, and the Exchange anticipates that there would be sufficient volume to maintain a fair and orderly market.

The proposed rule changes are consistent with the Securities Exchange Act of 1934, and in particular Section 6(b)(5) of the Act, in that they will increase the utility of index options to market participants.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule changes will not impose a burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.¹

IV. Solicitation of Comments

Interested persons are invited to

¹ In its filing, CBOE requests that the Commission grant accelerated approval of the proposed rule change if and when the Commission approves a similar rule proposal by Amex. Amex's proposal was published for comment on August 19, 1983 (Securities Exchange Act Release No. 20069, August 11, 1983; 48 FR 37752, August 19, 1983), and the 21 day period for comment on that proposal will expire on September 9, 1983.

submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 7, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-24866 Filed 9-12-83; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Matching Program to Locate Absent Parents With Child Support Obligations

AGENCY: Selective Service System.

ACTION: Notice.

SUMMARY: Pursuant to OMB Memorandum dated May 11, 1982, "Revised Supplemental Guidance for Conducting Matching Programs", the Selective Service System publishes the following information concerning its proposed program for computerized matching of individual records maintained by the Department of Health and Human Service's Office of Child Support Enforcement and the Selective Service System.

FOR FURTHER INFORMATION CONTACT: David A. Cox, Associate Director, Information Systems, Selective Service System, Washington, D.C. 20435. Phone: 202/724-0872.

Dated: September 6, 1983.

Thomas K. Turnage,
Director of Selective Service.

Report Concerning SSS Matching Program To Locate Absent Parents With Child Support Obligations

Pursuant to OMB Memorandum dated May 11, 1982, concerning "Revised Supplemental Guidance for Conducting Matching Programs", the Selective Service System submits the following information concerning its proposed program for computerized matching of individual records maintained by the Department of Health and Human Service's Office of Child Support Enforcement and the Selective Service System.

1(a). The legal authority under which this program is to be conducted is Section 453 of the Social Security Act (42 U.S.C. 653) relating to the location of absent parents for child support enforcement.

1(b). The matching program will be performed on a continuing basis. The organizations involved include the Department of Health and Human Service's Office of Child Support Enforcement and the Selective Service System. The purpose of this program is to aid the Office of Child Support Enforcement in locating absent parents for payment of child support obligations. The matching procedures for the program include the following steps:

(1). The Office of Child Support Enforcement will periodically transmit data files to Selective Service. The data files will contain the names and Social Security Numbers of individuals for whom an address is needed.

(2). The data received from the Office of Child Support Enforcement will be compared with the Registrant Registration Records of the Selective Service System for possible matches.

(3). The Selective Service System will provide to the Office of Child Support Enforcement address information for matching records.

1(c). Selective Service will use the following system of records in the match: Selective Service System Record No. SSS-10 "Registrant Registration Records (after 1979)—SSS" published in 45 Fed. Reg. 30587 (8 May 1980).

1(d). The starting date for the matching program is September 15, 1983; the program will continue indefinitely.

1(e). Access to the information provided by the Office of Child Support Enforcement and the Selective Service System will be restricted to authorized personnel whose duties or responsibilities require such access and to whom disclosures must be made to comply with Federal Law. Computer

files will be matched at the Joint Computer Center at Great Lakes, Illinois.

(1). Security guards for the building will allow access to authorized personnel only.

(2). The computer room will be secured with cypher locks.

(3). Terminal access to the computer system will be restricted to those with valid user ID and password.

(4). A software security package will protect access to the data in the system.

1(f). Source records from the Office of Child Support Enforcement will be retained by the Selective Service System for 90 days after the records have been matched. Magnetic tapes will then be returned to the Office of Child Support Enforcement. "Hits" with corresponding addresses matched on Selective Service System files, will be forwarded to the Office of Child Support Enforcement in report form.

2. The matching program between the Office of Child Support Enforcement and the Selective Service System will not result in the creation of any new or substantially altered existing record systems.

[FR Doc. 83-24844 Filed 9-12-83; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee; Meeting

AGENCY: Urban Mass Transportation, DOT.

ACTION: Notice of extension of committee charter and Section 15 Reporting System Advisory Committee meeting.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces the extension of the Section 15 (Urban Mass Transportation Act of 1964, as amended) Reporting System Advisory Committee Charter sets forth the requirements for the Committee's operation. The Charter was originally filed on September 1, 1981, with an expiration date of September 1, 1983. The Charter has been extended for another 2-year period.

Also, this Notice announces a meeting of the Section 15 Reporting System Advisory Committee on October 6-7, 1983, in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ronald J. Fisher, Office of Information Services, Room 6419, 400 Seventh Street,

SW., Washington, D.C. 20590; (202) 426-9157.

SUPPLEMENTARY INFORMATION:

Background

Under the requirements of Section 9 of the Federal Advisory Committee Act (5 U.S.C. 9 (App. I, 1981)), UMTA announced the establishment of the Section 15 Reporting System Advisory Committee in the *Federal Register* (46 FR 43352) on August 27, 1981. In this Notice UMTA is announcing the extension of the Committee's Charter and a meeting of the Advisory Committee. The Committee members are composed of a cross section of the user community for the Section 15 Reporting System which includes representatives from individual transit systems, consultant organizations, representatives of organized labor, academia, state and local governments, special transit interest groups, and other Federal agencies. The Committee offers advice to UMTA's Administrator with respect to the quality and usefulness of the Section 15 Reporting System in providing meaningful financial and operating data for the analysis of the transit industry. The results of the Committee will be in the form of reports and recommendations.

All Committee meetings are open to the public. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Location

Dates: Thursday, October 6, and Friday, October 7, 1983.

Time: 8:30 a.m.-4:00 p.m.

Place: Room 2230, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued on: August 29, 1983.

G. Kent Woodman,

Acting Deputy Administrator, Urban Mass Transportation Administration.

[FR Doc. 83-24016 Filed 9-12-83; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On September 6, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork

Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0092

Form Number: 1041 and Schedules

Type of Review: Revision

Title: U.S. Fiduciary Income Tax Return

OMB Number: 1545-0238

Form Number: 11-C

Type of Review: Existing Regulations

Title: Special Tax Return and

Application for Registry-Wagering

OMB Number: 1545-0181

Form Number: 4768

Type of Review: Existing Regulations

Title: Application for Extension of Time to File U.S. Estate Tax Return and/or Pay Estate Tax

OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: September 6, 1983.

Rita A. DeNagy,

Departmental Reports, Management Office.

[FR Doc. 83-24865 Filed 9-12-83; 8:45 am]

BILLING CODE 4810-25-M

[Dept. Cir. Public Debt Series No. 27-83]

Series Y-1985; Treasury Notes

September 8, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$8,000,000,000 of United States securities, designated Treasury Notes of September 30, 1985, Series Y-1985 (CUSIP No. 912827 PY 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve

Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated September 30, 1983, and will bear interest from that date, payable on a semiannual basis on March 31, 1984, and each subsequent 6 months on September 30 and March 31 until the principal becomes payable. They will mature September 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 14, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 13, 1983 and received no later than Friday, September 30, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted

price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Friday, September 30, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no

later than Wednesday, September 28, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive

tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-24994 Filed 9-9-83; 1:36 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will conduct a closed meeting in Room 800, 400 C Street, SW., on September 21.

The 15-day advance notice requirement in regulations implementing the Federal Advisory Committee Act is waived because of unanticipated emergency travel by the Chairman of the Commission.

The meeting will be closed to the public because it will involve a discussion of classified information relating to the implementation of National Security Decision Directive 77 and relations between the Agency, the Department of State and the National Security Council (5 U.S.C. 552b(c)(1)). Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action because there will be a discussion of future Agency policy and programs (5 U.S.C. 552b(c)(9)(B)).

Dated: September 9, 1983.

Charles Z. Wick,

Director.

[FR Doc. 83-25136 Filed 9-12-83; 11:07 am]

BILLING CODE 5230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extended form and the entry contains

the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC. 20420; (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Rich Shepard, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC. 20503; (202) 395-6880.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: September 7, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Revision

1. Department of Veterans Benefits
2. Veterans Application for Counseling
3. VA Form 28-8832
4. On occasion
5. Individuals or households
6. 10,000 responses
7. 833 hours
8. Not applicable

[FR Doc. 83-24869 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a proposed extension and the entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Rich Shepard, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503; (202) 395-6880.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated September 7, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits
2. Request for Information Concerning Unreimbursed Family Medical Expenses
3. VA Form 21-8416a
4. On occasion
5. Individuals or households
6. 164,500 responses
7. 41,125 hours
8. Not applicable

[FR Doc. 83-24869 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains extended forms and the entries contain the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389-2146. Comments and questions about the items on this list should be directed to

the VA's OMB Desk Officer, Rich Shepard, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503; (202) 395-6880.

DATES: Comments on the forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: September 7, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits
2. Statement of Income and Net Worth
3. VA Form 21-6897
4. On occasion
5. Individuals or households
6. 175,000 responses
7. 87,500 hours
8. Not applicable

1. Department of Veterans Benefits
2. Statement of Income and Net Worth
3. VA Form 21-4100
4. On occasion
5. Individuals or households
6. 320,000 responses
7. 160,000 hours
8. Not applicable

[FR Doc. 83-24870 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans Affairs' Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 1001, will be held in the Omar N. Bradley Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420, on September 29 and 30, 1983.

The opening day session will begin at 9 a.m. to conduct routine business. The meeting will be open to the public up to the seating capacity which is about twenty persons. Those wishing to attend should contact Ms. Nan Nave in the Office of the Chief Memorial Affairs Director (phone 202-389-2512) not later than 12 noon, EDT September 22, 1983.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Chief Memorial Affairs Director (40) at the address furnished above. In any such letters, the writer must fully identify himself and state the organization or

association or person they represent. Also, to the extent practicable, the letter should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach the Chief Memorial Affairs Director by 12 noon, EDT September 22, 1983. Oral statements will be heard only between 12 noon and 1 p.m. on September 30, 1983.

Dated: September 2, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-24895 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on the Readjustment Problems of Vietnam Veterans; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Advisory Committee on the Readjustment Problems of Vietnam Veterans will be held September 22 and 23, 1983. On September 22, 1983 from 10 a.m. to 4:30 p.m. the Committee will meet in Room 119, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC. On September 23, 1983 the Committee will meet in the Roanoke & Rappahannock Rooms at the Stouffer's Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia from 8 a.m. to 4:30 p.m.

The sessions will be open to the public to the seating capacity of the rooms. Anyone having questions concerning the meeting may contact Mr. Edward Lord, Assistant Director for Administration and Development, Readjustment Counseling Service, Veterans Administration Central Office, at phone number 202-389-3317.

The appearance of this notice at least 15 days in advance of the meeting has been hindered due to delays in administrative processing.

Dated: September 2, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-24893 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 13, 1983
Thursday, October 27, 1983
Thursday, November 10, 1983
Wednesday, November 23, 1983
Thursday, December 8, 1983
Thursday, December 22, 1983

The meetings will begin at 2:30 p.m. and will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 2, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-24894 Filed 9-12-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 178

Tuesday, September 13, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Communications Commission	1
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1

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From September 9th Open Meeting

The following item has been deleted at the request of the Chairman's office from the list of agenda items scheduled for consideration at the September 9, 1983, Open Meeting and previously listed in the Commission's Notice of September 2, 1983.

Agenda, Item No., and Subject

Video—4—Title: Applications for interim authority to operate the facilities of former station KHOF-TV, Channel 30, San Bernardino, California. Summary: Eight applications were timely filed for interim operation of the channel, and four of them have entered into an agreement whereby they would dismiss their applications if the Commission would conditionally grant their merged application. The Commission will consider the manner in which the interim operator will be selected.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1283-83 Filed 9-9-83; 2:37 pm]

BILLING CODE 6712-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 8, 1983.

TIME AND DATE:

1. 10 a.m., Thursday, September 15, 1983
2. 2 p.m., Thursday, September 15, 1983
3. 10 a.m., Friday, September 16, 1983

PLACE: U.S. Federal District Court, Room: (to be announced), U.S. Courthouse, 1929 Stout Street, Denver, Colorado.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral arguments in the following cases:

1. Secretary of Labor, MSHA v. Mid-Continent Resources, Inc., Docket No. WEST 82-38-D. (Issue is whether the judge properly found a violation of 30 CFR 75.511.)

2. Secretary of Labor, MSHA v. Energy Fuels Nuclear, Inc., Docket No. WEST 81-385-M. (Issues include whether the judge erred in finding no violation of 30 CFR 57.6-116.)

3. Secretary of Labor, MSHA on behalf of Chester (Sam) Jenkins v. Hecla-Day Mines Corporation, Docket No. WEST 81-323-DM. (Issues include whether the judge erred in dismissing the discrimination complaint.)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5632.

[S-1284-83 Filed 9-9-83; 2:47 pm]

BILLING CODE 6735-01-M

3

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Conservation Planning Council (Northwest Power Planning Council)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.

TIMES AND DATES:

10 a.m., September 21, 1983

9 a.m., September 22, 1983

PLACE: Statehouse Inn, 981 Grove Street, Boise, Idaho.

MATTERS TO BE CONSIDERED:

Discussion of Yakima River Enhancement Project and Proposed Legislation
Presentation by Salmon and Steelhead Advisory Committee
Presentations on Water Budget, Known Stock Fisheries, and Hydropower Assessment Study
Report by Fish Propagation Panel
Report on U.S.-Canada Fisheries Treaty
Presentation on Cost-Effectiveness Analysis of WPPSE 1, 2, and 3
Selection of Contractors for Energy Studies (RFP 83-006)
Council Business

FOR FURTHER INFORMATION CONTACT:

Ms. Bess Wong (503) 222-5161.

Edward Sheets,

Executive Director.

[S-1282-83 Filed 9-9-83; 2:36 pm]

BILLING CODE 0000-00-M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission

will hold the following meetings during the week of September 12, 1983, at 450 5th Street, NW., Washington, D.C.

Closed meetings will be held on Tuesday, September 13, 1983, at 9 a.m. and on Thursday, September 15, 1983, following the 2:30 p.m. open meeting in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans and Treadway voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 13, 1983, at 9:00 a.m., will be:

Settlement of injunctive actions.
Formal order of investigation.
Institution and settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Opinion.

The subject matter of the closed meeting scheduled for Thursday, September 15, 1983, following the 2:30 p.m. open meeting, will be:

Institution of injunctive action.
Litigation matter.

The subject matter of the open meeting scheduled for Thursday, September 15, 1983, at 2:30 p.m., will be:

1. Consideration of whether to permit John B. Licata to become associated with Sonoma Investment Securities, proposed successor to Argus Management corporation in a proprietary, unsupervised, supervisory capacity. For further information, please contact Mary Binno at (202) 272-2318.

2. Consideration of the proposed response of the Division of Corporation Finance to the petition of the California Association of Utility Shareholders. The petition requests that the Commission propose amendments to its rules to provide for disclosure in

Commission filings by regulated utilities of the effects on book value and earnings per share arising from the sale of new equity securities at a price which is less than book value per share. For further information, please contact William H. Carter at (202) 272-3229.

3. Consideration of whether to adopt revised rules for determining when costs may be excluded from immediate amortization

under the full cost method of accounting by oil and gas producing companies. The Commission will also consider whether to modify and propose for further comment revised rules for income recognition under the full cost method. For further information, please contact John W. Albert or Lawrence S. Jones at (202) 272-2130.

At times changes in Commission priorities require alterations in the

scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272-2014.

September 8, 1983.

[S-1261-83 Filed 9-8-83; 4:22 pm]

BILLING CODE 5010-01-M

Federal Register

Tuesday
September 13, 1983

Part II

Environmental Protection Agency

Premanufacture Notification; Revision of
Regulation and Partial Stay of Effective
Date

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 720**

(OPTS-50002J; TSH-FRL 2412-8)

**Premanufacture Notification; Revision
of Regulation and Partial Stay of
Effective Date****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule; revision of regulation
and partial stay of effective date.

SUMMARY: EPA is staying the effective date of §§ 720.3(y), 720.36, 720.50(c), and 720.78(b) and issuing nonsubstantive amendments to § 720.102 of the final premanufacture notice (PMN) rule issued under section 5 of the Toxic Substances Control Act (TSCA). Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA at least 90 days before manufacture or import begins. EPA is also clarifying other sections of the rule.

DATE: The effective date of the premanufacture notification rule, with the exception of the stayed sections, §§ 720.3(y), 720.36, 720.50(c), and 720.78(b), is October 26, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460; toll-free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:**I. Background**

Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA at least 90 days before manufacture or import begins. This requirement has been in effect since July 1, 1979. Since then, EPA has received and reviewed more than 2,500 notices on new substances. EPA has operated the new chemical review program under interim policies published in the *Federal Register* of May 15, 1979 (44 FR 28564), November 7, 1980 (45 FR 74378), and July 2, 1982 (47 FR 28969).

EPA proposed a rule to interpret section 5 requirements and to establish notification procedures in the *Federal Register* of January 10, 1979 (44 FR 2242). Portions of this rule were repropounded on October 16, 1979 (44 FR 59764). In addition, EPA proposed processor

reporting requirements in the *Federal Register* of August 15, 1980 (45 FR 54642) and a clarification of importer requirements on September 23, 1980 (45 FR 63806).

After reviewing public comments and evaluating its experience in conducting the PMN program, EPA issued a final premanufacture notice rule in the *Federal Register* of May 13, 1983. This rule was scheduled to become effective on July 12, 1983. The rule covers the scope and applicability of section 5 requirements; the general procedures for submitting notices; information requirements, including a mandatory notice form; and EPA's procedures for processing information contained in the notices, including confidential business information.

On June 17, 1983, the Chemical Manufacturers Association (CMA) petitioned EPA to stay the effective date of the PMN rule for 90 days to provide EPA time "to clarify and modify the rule in several respects." CMA stated that, without clarification and possible modification of certain rule provisions, the rule would impose an undue burden on its member companies. CMA particularly expressed concern about: (1) The research and development (R&D) exemption, (2) the PMN notice form, (3) information requirements on polymer identity, (4) the submission of test data, (5) the submission of data on related chemicals, (6) the submission of descriptions of risk assessments, (7) the procedures for declaring PMNs "incomplete," and (8) the definition of "possession or control." In a memorandum accompanying its petition, CMA also raised questions about information requirements on use and manufacturing operations, the possible release of confidential chemical identity included in health and safety studies, the timing of substantiations of confidential chemical identity, the submission of generic use descriptions, and the timing for submitting notices of commencement of manufacture.

In addition, on June 27, 1983, the Society of the Plastics Industry (SPI) submitted a petition to EPA to stay the effective date of the PMN rule. SPI raised two issues concerning polymer information requirements—the requirements that the average molecular weight and percentage of low molecular weight species be estimated and that monomers and other reactants used at less than 2 percent by weight be identified.

In response to these petitions, EPA postponed the effective date of the rule for 60 days, so that it could review the rule language and, where necessary, clarify ambiguous points or revise

specific provisions. This postponement was announced in the *Federal Register* of July 11, 1983 (48 FR 31641). During the postponement period, EPA has received further comments on the issues raised in the CMA and SPI petitions from SPI, CMA, the American Chemical Society, and the National Paint and Coatings Association. The CMA and SPI petitions, as well as these subsequent comments, are included in the public record on the PMN rule.

II. Summary of Action

In this notice, EPA announces that the major provisions of the TSCA section 5 PMN rule will go into effect on October 26, 1983. In addition, the notice announces the following actions with respect to the rule: (1) The stay, pending further consideration and rulemaking, of §§ 720.36 and 720.78 (requirements concerning new chemical substances manufactured under the section 5(h)(3) R&D exemption), § 720.3(y) (the definition of "possession or control"), and § 720.50(c) (data requirements on related chemicals), and (2) a nonsubstantive amendment of § 720.102(b)(1) (timing of submission of the notice of commencement of manufacture). EPA is also clarifying several other provisions of the rule (primarily those concerning polymer information requirements, test data requirements, and information requirements on risk assessments and uses), and explains why the Agency believes that other provisions identified as a concern by CMA—such as the mandatory form and incompleteness provisions—do not require revision.

Except for the sections that have been stayed, the final rule will go into effect on October 26, 1983. All PMNs received on or after that date must be submitted on the PMN form, and notice submitters must comply with the provisions of this rule that are in effect. These provisions include all the major notification and procedural requirements of the PMN rule, such as the mandatory form, test data and information requirements, procedures by which EPA can declare a notice incomplete, and confidentiality procedures.

With this notice, therefore, the basic provisions of the PMN rule will go into effect. These requirements will promote standardized PMN reporting and recordkeeping procedures; they will allow EPA more effectively to address the increasing number of PMNs it is now receiving; and they will ensure consistent enforcement of section 5 provisions. The temporary postponement of provisions concerning R&D, "possession or control," and data

on related chemicals will to a certain extent increase EPA's review burden but will not place the public at greater risk from new substances during the period before final provisions are developed, and it will not adversely affect the operation of EPA's new chemical review program, which is conducted under the statutory authority of TSCA section 5.

III. Clarification of Selected Rule Provisions

CMA and SPI expressed concern about several information requirements in the final rule, in particular, requirements concerning polymer identity, test data, use information, and risk assessments. EPA believes that these concerns result in part from a misunderstanding of EPA's intentions and in part from an extreme interpretation of the rule language. By clarifying these provisions, EPA hopes to reduce industry's concerns, while ensuring that adequate data for EPA's initial review are submitted in PMNs.

1. *Polymer identity*—(a) *Molecular weight estimates*. Section 720.45(a)(3) of the rule and Part I(B)(2)(b) of the PMN form require notice submitters to estimate or provide measurements of: (i) The lowest number-average molecular weight composition of new polymers, and (ii) the maximum weight percent of low molecular weight species below 500 and 1,000 absolute molecular weight. If the PMN applies to a range of products of varying molecular weight characteristics, the manufacturer should provide data or estimates for the lowest molecular weight material, or provide information on the range of values expected.

Information on molecular weight must be provided to the extent that it is known to or reasonably ascertainable by the submitter. EPA is requiring this information concerning the specific chemical identity of the polymer because data on average molecular weight and low molecular weight species are fundamental pieces of information used in characterizing polymers and are central to polymer risk assessment. Many of the potential risks from polymers result from the lower molecular weight portions of the monomer.

EPA has been asked to clarify the extent to which the "known to or reasonably ascertainable" standard requires manufacturers to determine the exact molecular weight of new polymers, and whether a failure to do so would lead EPA to declare a PMN submission incomplete. Under this rule, submitters are not required to determine molecular weight or molecular weight distribution by analytical measurement

solely for the purpose of complying with PMN requirements. Rather, they are required to provide data from actual measurements only if they have conducted those measurements, or if during the normal course of business "a reasonable person similarly situated" would have conducted these measurements.

If molecular weight or molecular weight distribution have been measured at the time of PMN submission, the resulting data must be submitted and the method of measurement identified. Some examples of analytical methods which can be used to measure molecular weight or molecular weight distribution, or which can be used to estimate these values, are: size exclusion chromatography (e.g., gel permeation), vapor pressure osmometry, light scattering, dialysis, sedimentation rate, end-group analysis, solvent precipitation, and viscosity measurements.

EPA recognizes that in many cases it is not practicable to measure polymer molecular weight directly at the PMN stage. If a manufacturer has not conducted an analysis of average molecular weight or molecular weight distribution based on measurement of the polymer itself, the PMN submitter should estimate these parameters. The estimates can be expressed as precise values or as ranges; in some cases—for example, very high molecular weight polymers—it may be possible to estimate average molecular weight only as greater than a certain level. EPA's experience with PMNs submitted without molecular weight information has been that, in most cases, the submitter has been able to estimate these values readily when contacted by the Agency. Submitters can frequently estimate molecular values on the basis of past experience (e.g., correlating observed or measured physical properties with previously measured, calculated, or estimated molecular weight values); stoichiometric relationships, including molecular weights of starting materials and expected reactions; and knowledge of process or purification steps, such as extraction, solvent precipitation, and vaporization of volatile components.

From its PMN experience, EPA believes that submitters' expert knowledge concerning the polymers they produce will generally enable them to provide a reasonable estimate of molecular weight values, and therefore, that estimated values are for the most part reasonably ascertainable. However, if a submitter is unable to provide meaningful estimates for these parameters, he or she may indicate

"NK" (not known or reasonably ascertainable) on the PMN form. In such cases, the submitter should be prepared to provide an explanation of why meaningful estimates cannot be made. If a reasonable explanation cannot be provided upon request, the Agency may declare the notice incomplete.

CMA and SPI argue that the requirement to estimate the percentage of low molecular weight species involves a substantial change from the proposed requirements and that it was adopted without any notice or opportunity for comment. EPA, however, believes that this requirement does not represent a substantial departure from earlier proposed requirements for molecular weight information. Furthermore, it is consistent with EPA practice under the interim policy. When the Agency receives PMNs on polymers without this information, it has routinely contacted the PMN submitters for measured values or estimates of molecular weight. EPA has found that submitters can provide this information with minimal burden. Finally, because the requirement to submit data on polymer identity is an interpretation of the statutory requirement to identify the new substance and its molecular structure, it would not require notice and comment.

(b) *Information on monomers and other reactants*. Section 720.45(a)(3) of the rule and Part I(B)(2)(b) of the PMN form require manufacturers to identify new polymers by monomers and other reactants. This requirement remains essentially unchanged from the January 10 and October 16, 1979, proposed forms.

CMA's and SPI's petitions and previous EPA experience with polymer reporting indicate that many submitters do not understand the PMN reporting requirements as they apply to monomers and other reactants used at or below 2 percent by weight (the phrase "monomers and other reactants" is defined below). For the initial inventory, EPA required reporting only of monomers and other reactants used at greater than 2 percent by weight, but submitters could report those monomers and other reactants used at 2 percent and below if they wanted them included in the inventory description. This would allow the use of monomers later at greater than 2 percent.

In the proposed and final PMN rules, EPA consistently required all monomers and other reactants to be described. (See the proposed PMN forms, published in the *Federal Register* of January 10, 1979 (44 FR 2286) and October 10, 1979 (44 FR 59791).) However, while

monomers and reactants used at or below 2 percent by weight must be reported in the PMN, submitters have the option, as they did for the initial Inventory, of either including these substances in the polymer description or excluding them from the description for the purposes of listing on the Inventory. In the final PMN form, the submitter may exercise this option by marking the appropriate "Identity" column in the polymer identification section. (All monomers and other reactants used at greater than 2 percent are automatically included in the polymer name on the Inventory.) As for the initial Inventory, if a monomer or other reactant is not included in the Inventory description, that monomer cannot later be used at greater than 2 percent in the polymer.

In a letter dated July 27, 1983, SPI asked EPA to clarify the effect of changes in chemical identity information after the PMN review period but before a substance is added to the Inventory. As explained above, polymers are identified for Inventory purposes by: (1) All monomers and other reactants used at greater than 2 percent, and (2) at the choice of the manufacturer, monomers and other reactants used at 2 percent or less. If any monomers or other reactants included in the Inventory polymer description are eliminated before the material is added to the Inventory, a new PMN must be submitted, unless that polymer description is already included on the Inventory. If any reactants not included in the description are used at greater than 2 percent, a new PMN must also be submitted. However, the manufacturer may use new monomers or other reactants at less than 2 percent or new starting materials not incorporated into the polymer structure at any percent without notifying EPA.

Therefore, in deciding whether or not to describe a polymer on the Inventory by including monomers and other reactants used at less than 2 percent, submitters should be aware that, if they do not include the monomer and other reactants in the name listed on the Inventory, they will not be able to increase their level above 2 percent without submitting an additional PMN. On the other hand, if the monomers or other reactants are included in the Inventory name, they may be used at levels greater than 2 percent, but they may not be eliminated completely unless the manufacturer first submits a PMN.

The phrase "monomers and other reactants" applies to those reactive agents that are used intentionally to become chemically part of the polymer

composition. These reactive agents include all monomers, e.g., vinyl chloride, acrylamide, terephthalic acid, and any other reactive agents that are intended to be incorporated into the polymer. Reactants other than monomers include crosslinking agents, chain-terminating agents, free radical initiators, and any other reactant which is intended to be incorporated into the structure of the polymer. This may include such substances as monohydric alcohols, e.g., methanol, and monofunctional amines, e.g., butyl amine, and acids or bases used to form a salt of the polymer.

SPI and others have indicated that in some cases it may be difficult for a manufacturer to determine whether a starting material—particularly a starting material used at less than 2 percent—is incorporated into the final polymer. EPA does not expect manufacturers to conduct a chemical analysis of the polymer to determine its exact composition for the purpose of complying with these requirements. Instead, substances should be listed in Part I(B)(2)(b) of the form only if they are intended to become incorporated into the polymer structure. If the manufacturer does not intend for the starting material to be incorporated into the polymer, it does not have to be listed in this section. For example, a starting material should not be listed in this section if it serves only to influence polymer formation without becoming a part of the new chemical substance, or if it is not intended to become part of the substance but is inadvertently incorporated into the polymer's structure. These materials, however, must be identified in other sections of the form.

Agents such as nonreactive surfactants, solvents, and catalysts and cocatalysts may be used during the manufacture of the polymer. If these agents are not intended to become chemically a part of the polymer, but if they remain in the polymer as impurities, they should be listed in Part I(B)(3) under Impurities (to the extent that it is known or reasonably ascertainable that they are present as impurities). These agents must also be identified, whether or not they may occur as polymer impurities, in the Process Description (Part I(A)(1)), which must include all feedstocks, such as reactants, solvents, catalysts, and any other substances used in the manufacture of the polymer.

In its July 27 letter, SPI expressed concern that EPA's approach to defining polymers in the PMN rule is inconsistent with Inventory reporting requirements.

In particular, SPI stated that the Inventory rules required polymers to be identified only by monomers and not by "other reactants" as well. EPA, however, believes that the Inventory and PMN approaches are consistent. The Agency made it clear during the Inventory reporting period that polymer descriptions should include all reactants incorporated into the polymer structure. For example, in its standard guidance document, "Reporting for the Chemical Substance Inventory: Instructions for Reporting for the Initial Inventory" (August 1977), the Agency stated that the polymer description reported for the Inventory should identify "monomers and other reactive ingredients such as chain-transfer or crosslinking substances." Excluded from polymer descriptions were "other additives, such as emulsifiers and plasticizers, which are not chemically a part of the polymer composition" (p. 7). These are exactly the requirements for polymer identity in the PMN rule.

In addition, SPI expressed concern about the PMN rule's use of weight charged to the reactor to determine when a starting material is included in the Inventory entry. As explained in the PMN instructions manual, the "weight percent monomer or other reactant" is the weight of the material charged to the reactor expressed as a percentage of the dry weight of the manufactured polymer. Thus, the percent (by weight) of monomer A of a polymer manufactured from monomers A, B, and C is the weight of A charged to the reactor divided by the dry weight of the polymer A-B-C (times 100).

This approach is consistent with the Inventory rules and reporting instructions, which required reporting of reactants "used" at greater than 2 percent in the manufacture of the polymer. The Inventory reporting instructions clearly explain that "the 'percent (by weight)' of a monomer is the weight of the monomer charged expressed as a percentage of the weight of the polymeric chemical substance manufactured" (p. 6). EPA took this approach in developing the Inventory because of the difficulties that would be involved in requiring manufacturers to identify the exact weight percentage of different components in the final polymer. At the time, the approach was supported as reasonable by the general chemical and polymer industries.

In a letter of July 29, 1983, CMA raised a question about the requirement in Part I(B)(2)(b) of the PMN form (Polymer Identity) that submitters estimate maximum weight percent residual monomers and other reactants in new

polymers and the requirement in Part I(B)(3) (Impurities) that they estimate the maximum weight percent impurities in new chemical substances. Residual monomers and other reactants reported under "Polymer Identity" do not also have to be reported under "Impurities." However, as described above, other impurities, such as residual solvents, surfactants, or catalysts not intentionally incorporated into the polymer must be reported under "Impurities." Estimates of maximum percent residual monomers and other reactants and maximum percent impurities must be provided to the extent that they are known or reasonably ascertainable.

CMA's and SPI's petitions argue that the requirements on monomers and other reactants represent substantial changes from the proposed rule and that they were not adopted with adequate notice and comments. In fact, as stated earlier, requirements concerning monomers and other reactants in EPA's January 10, 1979 and October 18, 1979 proposed PMN rules are virtually identical to those in the final rule. EPA reviewed public comments on these requirements, as well as more than three years of PMN experience, before including them in the final rule.

2. Test data requirements. Section 720.50(a)(3) of the rule requires that submitters provide test data on the new chemical substance in their possession or control in a "full report." The report is defined as including "experimental methods and materials, results, discussion and data analysis, conclusions, references, and the name and address of the laboratory that developed the data." These items must be provided to the extent that they are in the submitter's "possession or control"—for example, submitters are not required to provide data analyses or conclusions where they have not conducted such analyses or developed such conclusions. (Where the data appear in the open literature, the submitter need only provide a standard literature citation.) The remainder of this unit discusses in more detail the information that a full report should contain.

In considering this clarification, PMN submitters should recognize that they must provide the information only if it is in their possession or control. If certain information is not developed in the course of the test—for example, the level of impurities in the test material—the usefulness of the test results may be reduced, and their interpretation may be complicated. However, the absence of this information in the report submitted

with the PMN, will not make the PMN incomplete, because it is not in the submitter's possession or control.

In general, test data should be provided in a clear and concise manner that documents conclusions drawn from the test. The amount of information appropriate will depend on the type of test and the extent to which the test methods employed are based on generally accepted, standardized methodologies. The paragraphs below provide general guidance for different types of health and environmental effects data. Companies with questions on the appropriate format for unusual or nonstandard data are encouraged to consult with EPA individually.

For test data on standard physical or chemical properties, the property itself and a reference to the method used to make the determination, or a reference to the source from which the test method was derived, will be sufficient. Discussions of experimental methods and materials, results, data analyses, and conclusions generally would not be expected. Physical/chemical properties include such properties as absorption spectra, density, solubility, viscosity, melting point, boiling point, vapor pressure, dissociation constant, and octanol/water partition coefficient.

For environmental fate data (such as data on biodegradation or sedimentation and soil adsorption), a reference to or description of the protocol should be included. The report should also include a general description of the conditions of the test when these are not specified in the referenced protocol. For example, a report on a biodegradation study should include such information as inoculum source, adaptation possibilities, and controls employed, in addition to information on the biodegradation of the test compound during the test. The data reporting sections of EPA's "Chemical Fate Test Guidelines" (EPA 560/6-82-003, August 1982), available through the National Technical Information Service (NTIS), provide additional guidance on reporting environmental fate data. Companies submitting PMNs are not required to follow these reporting guidelines; however, their use may reduce the need for followup contact by the Agency.

A report of health or environmental effects data should include test results and a reference to or a description of the protocol used for data development. If the protocol is generally recognized—e.g., it is cited in testing guidelines published by EPA, the Organization for Economic Cooperation and

Development (OECD), or the American Society for Testing and Materials (ASTM), a reference to this method or protocol will be sufficient. When recognized test protocols are referenced, the test reports should describe testing conditions, such as dose or duration, which are not specified in the guidelines. When test protocols are not referenced, the full protocol should be submitted with the test report.

For acute, subchronic, and chronic health effects reports, results should generally provide information by species, strain, sex, age, and dose level. For any test result reported as a qualitative rating, a description of or reference to the scale being used should be provided. Environmental effects studies should also summarize relevant quality control data gathered during the study. Examples of quality control data include water quality analysis, e.g., hardness, pH, temperature, and measured concentration of test material.

For further guidance on reports of health and environmental studies, submitters may consult the data reporting sections of EPA's "Health Effects Test Guidelines" (EPA 560/6-82-001) and "Environmental Effects Test Guidelines" (EPA 560-6-82-002), published in August 1982 and available through NTIS, and testing guidance published by OECD, ASTM, the National Institutes of Health (NIH), the Department of Transportation (DOT), or other agencies. As indicated above, the PMN rule does not require the use of these guidelines for test reports submitted with PMNs; however, the guidelines do suggest appropriate formats for any test data submitted to EPA.

In addition to the information described above, test reports for health and environmental effects should contain a clear description of what was tested, including chemical identity, available information on impurities (if different from that reported in the PMN), the solvent or vehicle used in the study, and the concentration of the PMN substance in the test material. When a formulated product is tested, the submitter should also identify the concentrations of the PMN substance and of solvents or other components, if available. Test reports should specify whether the testing laboratory followed Good Laboratory Practices.

PMNs must also include environmental and workplace monitoring data on the new chemical substance relevant to possible levels of human exposure or environmental release that could be associated with the manufacture, processing,

distribution in commerce, use, or disposal of the substance. For example, this could include monitoring data from pilot plant operations or test marketing activities. Like other test data, these data must be provided to the extent they are in the submitter's possession or control. The data may be submitted in aggregate or summary form; underlying data, such as individual measurements, are not required.

PMN submitters should recognize that, while TSCA section 5 and the PMN rule require them to provide test data in their possession or control, they are not required to follow specific protocols or develop specific data in testing new chemical substances. The clarifications above are not intended to prescribe testing standards for new chemical substances, although EPA encourages PMN submitters to follow its guidelines, but rather to indicate the kind of data that, if available, should be included in the submitters' full test reports.

3. Descriptions of risk assessments. The final PMN rule and the preamble to the PMN rule state that risk assessments and structure-activity relationships are "other data" under TSCA section 5(d)(1)(C). Therefore, they must be described in PMNs if they are known to or reasonably ascertainable by the submitter. In its petition, CMA asked EPA to clarify this requirement. In particular, CMA expressed the concern that the requirement would force PMN submitters to reconstruct informal, unwritten risk assessments generated during the development of a new chemical substance and to identify and assess all likely analogs of the substance. According to CMA, this would present PMN submitters with "serious practical and interpretive" problems.

The requirement to describe risks assessments and structure-activity analyses applies only to existing, written assessments of risks and analyses of structure-activity relationships. Section 720.50(b)(1) (i) and (ii) of the rule defines the "known to or reasonably ascertainable" standard, as it applies to "other data," to cover only data in the submitter's possession or control, or data known to any of his or her employees or other agents who are associated with R&D, test marketing, or commercial marketing of the new substance—that is, the requirement applies only to data that already exist. As a result, the submitter is not required to generate risk assessments or information on structure-activity relationships that do not already exist, but only to describe formal analyses already committed to writing.

PMN submitters are not required to submit the risk assessment documents or structure-activity analyses themselves. Instead, they are required to describe the contents of these documents in a technical summary. Descriptions of structure-activity analyses should include the identity of the analogs assessed (either individually or by class), structural characteristics evaluated, the health or environmental effects identified, conclusions on the applicability of the data on analogs to the PMN substance, and the bases for these conclusions. If an evaluation of structure-activity analysis did not discover any relevant information about the PMN substance, this result should also be included. Descriptions of risk assessments should include a statement of the nature and scope of the assessment and a summary of its results.

4. Use information. Section 720.45(f) of the rule and Part I, Section C of the form require PMN submitters to describe the intended categories of use, by function and application, to the extent that they are known or reasonably ascertainable. In its experience in the PMN program, EPA has found this information very important in estimating potential exposure and release. In the memorandum accompanying its petition, CMA expressed concern about the level of detail required on use, and asked EPA to confirm that the submitter "need not describe the substance's uses in exhaustive detail."

In its "Instructions Manual for Premanufacture Notification of New Chemical Substances," EPA provides several examples of acceptable use descriptions, including: "disperse dye for finishing polyester fibers," "surfactant in automobile spray wax," "colorant for paper and other cellulosics," and "antioxidant in fuel oils and lubricants." EPA believes that these examples clearly indicate that it neither expects nor requires exhaustively detailed use descriptions.

EPA also recognizes that in some cases PMN submitters may not know the uses of their products even to the level of detail indicated in the examples above. In these cases, the submitter is required only to identify the uses to the extent that they are known or reasonably ascertainable. For example, a manufacturer might know that it was making a surfactant for metal waxes, but might not know and could not reasonably ascertain that its customers intended to use it in automobile wax, or more particularly, automobile spray wax. In this case, a more general description would meet the rule's

standard. As another example, the manufacturer might be making a surfactant that could have a wide range of applications. The PMN submitter in this case could provide a more generic description, with a few typical examples, e.g., the submitter could describe the new chemical substances as "a surfactant used in a broad range of consumer products, such as floor waxes, automobile cleaners, and general household cleaners."

EPA recognizes that a good deal of the potential burden associated with this requirement will depend on the meaning of "known or reasonably ascertainable." EPA does not expect notice submitters under this standard to obtain information that they, or "a reasonable person similarly situated," would not have obtained under normal business conditions, taking into account relevant safety and economic factors. More specifically, information derived from a knowledge of the product's chemistry (e.g., whether a dye is disperse or fiber-reactive), based on the manufacturer's knowledge of a specific customer's practices or the general practices of a processing industry (e.g., that waxes in the processing industry are typically applied by spraying), or developed by the submitter for marketing or advertising purposes should be considered reasonably ascertainable. EPA does not intend for the "reasonably ascertainable" standard to require manufacturers to contact customers solely for the purposes of completing a PMN. But where a PMN submitter routinely obtains a certain type of use information from customers as a normal part of business, he or she would be expected to provide that use information in his or her PMNs, unless the information could not be obtained in a specific case, for example, because customers considered the information confidential.

In providing use information, PMN submitters should recognize that EPA's evaluation of exposure associated with the use of the new chemical substance will be based largely on the use description in the notice. The more detailed that description, the more accurate EPA's exposure assessment will be. Therefore, while a relatively broad general use description might meet the minimum information requirements set forth in the PMN rule, it might lead to an overestimate of actual exposure levels. In the case of broad use descriptions, EPA would have to review the new chemical for all use scenarios that could be covered by the general description—some of which might involve considerably higher

exposure than the uses actually intended by the manufacturer or its customers. As a result, EPA encourages notice submitters to be as specific as reasonably possible in their use descriptions.

IV. Discussion of Other Issues

In its petition and its accompanying memorandum, CMA raised questions about the need for a mandatory PMN form, EPA's authority to declare PMNs incomplete, information requirements concerning manufacturing operations, the possibility of disclosure of confidential chemical identity contained in health and safety studies, the timing of substantiation of confidential chemical identity, and the submission of generic use information. EPA believes that the position it has taken on these issues is reasonable and correct and that the PMN rule language does not require detailed clarification. In the sections below, the Agency responds to the remaining points in the CMA petition and summarizes the reasons for the specific rule provisions. Most of these questions have been discussed more fully in the preamble to the final rule or in EPA's "Response to Comments on New Chemical Notice Requirements and Review Procedures," which is available in the public record on the PMN rule.

1. Mandatory notice form.

On several occasions, including its most recent petition, CMA has questioned the need for a standardized, mandatory PMN form. CMA instead recommends that EPA adopt an optional form for the guidance of submitters and that it permit the use of other forms at the submitter's discretion.

In its "Response to Comments" and elsewhere, EPA has already explained the legal basis for requiring a standardized PMN form and its need to do so. The Office of Toxic Substances (OTS) now receives, on the average, more than 100 PMNs a month, each of which must be reviewed within the statutory 90-day period. This review is now considerably complicated by the lack of a standard notice format, which makes it time-consuming and often difficult for OTS reviewers to identify critical pieces of information. Furthermore, lack of a standardized format makes it difficult to enter basic PMN data into various OTS data bases, which allows their retrieval in subsequent PMN and other reviews. As the number of PMNs increases, these problems will become more serious unless a standardized notice form is required.

2. *Incomplete notices.* CMA also expressed concern about EPA's

authority to declare a PMN incomplete if the notice submitter failed to provide information required in the rule.

According to CMA, "when combined with the other broad and open-ended provisions of EPA's rule, the incompleteness procedure will give EPA enormous leverage over PMN submitters," and it will result in the imposition of "onerous and unjustified" compliance burdens.

Despite these concerns, which CMA has expressed in earlier comments, EPA believes that it has clear authority to refuse to review notices that fail to meet the minimum standards of the Act, and that effective conduct of the PMN program depends on the Agency's ability to declare such notices incomplete. At the same time, however, EPA believes that it has substantially addressed CMA's concern regarding the incompleteness issue by staying or clarifying the major rule provisions identified by CMA as "broad and open-ended": the definition of "possession or control"; data requirements on "related chemicals"; and requirements concerning polymer identity, test data, risk assessments, and use. As a result, notice submitters can be assured that the incompleteness procedures will not be used in combination with "broad and open-ended" rule provisions to impose "onerous and unjustified" compliance demands.

Although EPA believes that it must have the ability to declare submissions incomplete that fail to meet the minimum standards of the rule, it anticipates having to exercise this authority only in rare cases. Since the PMN program began in July 1979, EPA has found it necessary to declare only a very few submissions incomplete out of a total of more than 2,500 notices. The Agency expects that this situation will continue once the rule is final.

In the preamble to the final rule and elsewhere, EPA has discussed the kinds of deficiencies that could lead to a determination of incompleteness.

3. *Manufacturing operations.* In the PMN form, EPA requires companies to provide certain limited information on manufacturing operations to the extent that it is known or reasonably ascertainable. For batch operations, the submitter must indicate the maximum number of kilograms per batch, the hours per batch, and the number of batches per year. For continuous operations, the submitter must indicate the maximum number of kilograms per day produced and the hours per day and days per year of operation. In addition, submitters must provide a brief description, including a diagram, of all manufacturing, processing, or use

operations under their control. If any of this information is not known and not reasonably ascertainable, the submitter may simply write "NK" on the form.

In a memorandum accompanying its petition, CMA questioned EPA's need for this information and its usefulness for the review of most new chemical substances. After reviewing its experience in the PMN program, however, EPA remains convinced that general information on manufacturing and processing operations, at the level of detail required in the current form, is essential to an effective initial review of new chemical substances. Workplace exposure and environmental release are a central part of EPA's new chemical reviews; without basic information on manufacturing and processing, it is difficult for the Agency to address these concerns adequately. At the same time, in conducting its new chemical reviews, EPA has found that companies can generally provide this information on manufacturing and processing with little difficulty. As a result, EPA does not believe that providing this information imposes a significant burden on PMN submitters.

4. *Confidential chemical identity.* In its accompanying memorandum, CMA expressed concern about the rule's provision that a chemical substance's identity is underlying data in a health and safety study of that chemical substance, regardless of whether or not the substance is identified in the study. CMA argues that, where a substance's identity is not included in a study, it should not be considered "part" of the study. This distinction is important because, under TSCA section 14(b) and the PMN rule, data underlying a health and safety study are subject to disclosure, with certain exceptions. Therefore, if a health and safety study is submitted on a new chemical substance, the substance's identity would potentially be subject to disclosure to the extent necessary to interpret the study—unless disclosure would reveal confidential information on process or mixture.

This issue was first raised in EPA's January 10, 1979, proposed PMN rules and has received considerable comment since then. Despite the concerns CMA has expressed in its petition and in earlier comments, EPA believes that its resolution of the issue in the final PMN rule appropriately balances industry's need for confidentiality and the public's need to be able to interpret test data, which underlies the purpose of section 14(b). EPA's rationale for its approach is discussed in detail in the preamble to the final rule.

As an alternative, CMA recommended that a chemical substance's identity be considered part of a health and safety study only if it is actually included in the study. EPA believes this approach is inappropriate, because the disclosure of a substance's identity would depend on the generally irrelevant question of whether or not the name of the substance, rather than a code name, was included in the report of the study submitted to EPA. Under EPA's approach in the final rule, disclosure would instead depend on the extent to which specific chemical identity was needed to interpret the health and safety study, rather than on the question of whether it was in fact included in the study. This approach was recommended by industry in previous comments on the proposed PMN rule. EPA believes this standard more effectively balances industry's and the public's interests.

5. Timing of substantiation. Section 720.85(b) requires that PMN submitters reassert and substantiate confidentiality claims for chemical identity at the time they file a notice of commencement of manufacture. This requirement ensures that chemical substances are listed on the TSCA Inventory by generic name only if the confidentiality claims for chemical identity are supported and if they are still applicable at the time of listing. In its accompanying memorandum, CMA questions "whether this objective justifies the time and effort required for substantiation."

EPA disagrees with CMA on this issue. The TSCA Inventory fulfills an important function as the only comprehensive public list of chemical substances in commerce in the United States, and, by listing "existing" chemical substances, it defines new chemical substances subject to PMN requirements. The presence of generic names in the Inventory appendix to a certain extent reduces its usefulness for both purposes. In particular, the use of generic names makes it more difficult for chemical companies to determine whether a given chemical substance is new and therefore subject to PMN, and it requires EPA to process and review *bona fide* requests from manufacturers asking whether their chemical substances are listed on the confidential Inventory.

For these reasons, EPA believes that it is important to ensure that generic names are entered in the Inventory appendix only when confidentiality claims for chemical identity have been supported. This will be accomplished by the requirement that companies substantiate claims for confidential chemical identity when they submit

notices of commencement of manufacture. This approach is consistent with the reporting requirements for the initial Inventory, which also included substantiation of chemical identity confidentiality claims at the time a confidential substance was reported for inclusion on the Inventory. The requirement will generally impose little burden on notice submitters. As EPA's "Instructions Manual" indicates, substantiating confidentiality claims is straightforward and simple.

Although companies are required to substantiate confidentiality claims only for chemical identity at the time they submit notices of commencement, claims of confidentiality for any other information submitted in the notice of commencement should be asserted at that time.

6. Submission of generic use description. Section 720.87 of the rule requires PMN submitters to supply generic use descriptions for any new chemical substances whose uses they claim to be confidential. EPA issues these generic use descriptions in the Federal Register publication, required by section 5(d)(2) of TSCA, announcing the receipt of a PMN. In its accompanying memorandum, CMA expressed concern about the requirement that a generic use description be included in PMNs, and it suggested that EPA delete this requirement from the rule.

EPA believes that this requirement should be retained and has not adopted CMA's suggestion. Section 5(d)(2) states that, within five days of receipt of a PMN, EPA must publish a Federal Register notice listing the uses or intended uses of the new chemical substance, subject to the confidentiality provisions of section 14. EPA believes that Congress intended section 14 in this context to limit public access only to the confidential aspects of a new chemical substance's uses and that, where more detailed uses are confidential, generic use descriptions must be developed to provide the public with a reasonable understanding of uses.

EPA has found it difficult to develop such use descriptions in the five days allowed by the statute, particularly because EPA staff often does not have direct knowledge of why the use is claimed confidential, or whether a particular generic use description might disclose some confidential information. Consequently, it has frequently proved necessary for EPA to consult with the PMN submitter before the Federal Register notice is published. As the number of PMN submissions grows, this task will become increasingly difficult. By requiring that PMN submitters

provide generic use descriptions with their PMNs, EPA will ensure that reasonable use descriptions can be developed efficiently within the statutory time constraints. At the same time, developing this description is generally simple for the manufacturer and adds little to the costs of PMN submission.

V. Provisions Subject to Stay

As indicated above, EPA is staying certain provisions of the rule concerning the section 5(h)(3) R&D exemption, the definition of "possession or control," and data requirements on related chemicals. The Agency will be reproposing these provisions. EPA intends to issue a reproposal in the Federal Register requesting comments on specific aspects of these requirements and announcing a public meeting.

The specific provisions subject to this stay are discussed briefly below.

1. R&D provisions. In its petition, CMA expressed concern about four major requirements for R&D substances in the PMN rule: (1) The requirement that all persons involved in the chemical substance's lifecycle be notified of risks; (2) the requirement that companies perform an "open-ended hazard assessment" on R&D substances; (3) the recordkeeping requirements; and (4) the "retroactive" aspects of the requirements, which would apply to all new R&D substances, not simply those first manufactured after the effective date of the rule.

EPA believes that CMA has identified certain provisions in the rule concerning R&D that could, if interpreted literally, impose unnecessary burdensome requirements on manufacturers, in turn impeding chemical innovation unnecessarily. For example, EPA recognizes that the rule could be read as imposing retroactive recordkeeping requirements on R&D substances, and as requiring companies to conduct extensive, unnecessary literature searches before synthesizing laboratory substances with potential for minimal or no human or environmental exposure. EPA did not intend the R&D provisions of the rule to have either of these effects. For this reason, EPA is staying § 720.36 and § 720.78(b), the two sections of the rule that establish handling and recordkeeping requirements for exempt R&D substances. These sections of the rule will be reproposed.

The stay does not apply to the definition in § 720.3(cc) of "small quantities solely for research and development"; this definition becomes effective on October 28. The definition,

which is essentially the same as the definition of R&D in the Inventory reporting rules (40 CFR Part 710), specifies which activities are exempt from PMN requirements under TSCA section 5(h)(3). In response to questions from industry, EPA is now working to clarify the line between R&D and non-R&D commercial manufacture.

Companies manufacturing or processing new chemical substances under the section 5(h)(3) exemption should understand that, regardless of this stay, they are still subject to the requirements of section 5(h)(3) that they notify persons involved in R&D of any risks they are aware of and to the requirement of the Inventory reporting rule (§ 710.2(y)) that R&D substances be used by, or directly under the supervision of, technically qualified individuals. Companies should maintain records documenting compliance with these provisions. In the absence of any documentation that a new chemical substance was manufactured solely for R&D, the Agency might conclude that the company was required to submit a PMN for that substance.

2. Definition of possession or control. Section 5(d)(1)(B) of TSCA requires manufacturers to submit all health and environmental effects test data on the new chemical substance in their "possession or control." In addition, § 720.3(p) defines "known or reasonably ascertainable" information to include information in a person's "possession or control." Therefore, in submitting a notice, companies must provide relevant information in their possession or control.

In its petition, CMA expressed concern about the definition of "possession or control" in § 720.3(y) of the rule. Read literally, according to CMA, the rule would require companies to conduct extensive searches of all their employee files, regardless of whether or not the employees were associated with the venture or could reasonably be assumed to have relevant data. CMA argued that this could be extremely burdensome.

In addition, CMA expressed concern about the provision that information in the submitter's possession or control includes information "in commercially available data bases to which the submitter has purchased access." CMA stated that this provision could be read as requiring submitters to conduct manual searches of material in libraries and research facilities to which they had purchased access. Other industry representatives have stated that meaningful searches of all the computerized data bases to which a company has access (which, for some

companies, might mean searching as many as 60-80 data bases) could be extremely expensive, and for many data bases would yield no relevant data. For these reasons, CMA has recommended that EPA revise the definition of "possession or control" so that it does not include information in commercially available data bases, and that EPA should recognize that the submission of this information is subject to the "reasonably ascertainable" standard.

EPA believes that the issues raised by CMA and other industry representatives are sufficiently complicated to justify a further postponement of the rule's definition of "possession or control." EPA did not intend for the rule to impose the more extreme interpretations suggested by CMA—for example, that files of employees who were in no way associated with the chemical substance must be searched, or that manual searches be conducted for information in library and research facilities. Therefore, EPA is staying § 720.3(y) of the rule. Like the R&D provisions, the exact language of this definition will be revised through appropriate rulemaking procedures.

Regardless of this stay, PMN submitters are still required under section 5(d)(1)(B) of TSCA to provide health and environmental effects test data in their "possession or control." In complying with this requirement, EPA believes that manufacturers should take steps to ensure that their PMNs include relevant data from the files of employees who are: (a) Associated with R&D, test-marketing, or commercial marketing of the substance, and (b) who are reasonably likely to have such data. In other words, pending further rulemaking, EPA does not expect companies to search the files of employees not associated with the venture, or of clerical staff, graphics staff, or similar personnel who would not be expected to have any relevant data.

In addition, EPA believes that the Act requires manufacturers to take reasonable steps to ensure that their PMNs include relevant data contained in commercially available data bases to which they have purchased access. However, pending further rulemaking, EPA does not expect PMN submitters routinely to search all data bases to which they have access. For example, the rule was not intended to require companies to conduct manual searches of libraries or research facilities to determine if data on the new chemical substance were in their possession or control. Nor was it intended to require companies to search computerized data bases that were unlikely to contain "test

data" or data on chemical substances, or to search data bases that the manufacturer had good reason to believe did not have data on the specific new chemical substance in question. For example, if a data base had been recently searched for a similar chemical substance, or if the company was for some other reason reasonably certain that no relevant data existed in the data base, it would not be expected to conduct the search.

3. Data on related chemicals. CMA also expressed concern about information requirements in § 720.50(c) concerning data on related chemicals. Under this section, PMN submitters are required to submit descriptions of unpublished data on "related chemicals," such as impurities, byproducts, degradation products, unintended reaction products, or other chemical substances or mixtures related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance. (Submitters would not be required to describe or provide references for data on related chemicals that had been published in the open literature.) CMA stated that this requirement might be "extremely onerous," depending on the definition of "related chemicals," and that in any case it should not apply to physical-chemical property measurements and monitoring data or related chemicals.

EPA recognizes that these requirements could be read as requiring extensive monitoring and similar data on "related chemicals" that would have little if any relevance to the PMN review, and that the requirements for data on related chemicals could use further specification. Therefore, it is staying § 720.50(c) of the rule while it reveals information requirements for related chemicals. Until this section is revised, PMN submitters should continue to follow EPA's interim PMN policies.

More generally, however, EPA rejects CMA's argument that it does not have authority under section 5 to require data (or descriptions of data) on related chemicals. According to CMA, this information cannot be required because section 5(d)(1)(B) requires submission only of data related to the effects of the new chemical substance. In fact, this section (and section 5(d)(1)(C)) requires data "related to the effect of any manufacture, processing, distribution in commerce, use, or disposal" of the new chemical substance "on health or the environment," not simply data on the substance itself. Clearly this provision requires companies to submit data on

the potential effects of impurities in the substance, byproducts of manufacture or use, environmental transformation products, and similar related chemicals, as well as data specifically on the new chemical substance. At the same time, however, EPA agrees that monitoring and exposure data on "related chemicals" need not be submitted, unless these data are directly related to the proposed manufacture, processing, distribution, uses, or disposal of the substance (e.g., they were developed during R&D or test-marketing activities). In revising § 720.50(c) of the rule, EPA will solicit public comments on these issues and address more directly the exact information requirements on related chemicals.

In at least one respect, CMA's concerns over data requirements for related chemicals arose from a misunderstanding of the rule. CMA apparently believed that the test data themselves, rather than descriptions, were required if the data were unpublished, and that standard literature citations were required for published data. However, § 720.50(c) requires only descriptions of unpublished data on related chemicals (i.e., a description of the type of data and a summary of results), and it would not have required either published data or literature references to published data. These points will be made more explicitly in any revisions of this section.

VI. Nonsubstantive Amendments

Section 720.102(b)(1) of the May 13 rule would have required manufacturers or importers to submit a notice of commencement of manufacture or import "on the first day of such manufacture or import." In the memorandum that accompanied its petition, CMA stated that compliance with this provision may be very difficult because of "coordination difficulties or the press of other business." At the same time, EPA recognizes that, although it is important that new chemical substances be entered on the TSCA Inventory promptly after first commercial manufacture (so that subsequent manufacturers can know they are not subject to PMN requirements and to prevent unnecessary EPA review of duplicative PMNs) it makes relatively little difference whether notification of commercial manufacture occurs on the first day of manufacture or shortly thereafter. Therefore, EPA believes that companies should be allowed some latitude in when they submit notices of commencement of manufacture, and that notices submitted a short time after manufacture begins should be accepted. At the same time, however, EPA believes that companies should not be allowed to submit notices before

manufacture begins; only chemical substances actually in commercial production should be added to the TSCA Inventory.

For the above reasons, EPA is amending § 720.102(b)(1) to read: "If manufacture or import for commercial purposes begins on or after the effective date of this rule, the submitter must submit the notice to EPA on, or no later than 30 calendar days after, the first day of such manufacture or import." This amendment is consistent with several comments received during the public comment period on the proposed PMN rules. This change is a technical amendment on a minor procedural aspect of this interpretive rule and does not require further notice and comment. The amendment does not work to the disadvantage of any PMN submitters, and it does not in any way impair EPA's ability to protect the public and the environment from chemical hazards. Further comment is unnecessary.

As indicated in EPA's "Instructions Manual for Premanufacture Notification of New Chemical Substances," notices of commencement of manufacture should be submitted to: Document Control Officer, Office of Toxic Substances (TS-793), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. To ensure that notices of commencement are sent to the proper address, EPA is adding this address to the rule as § 720.102(d).

VII. Public Record

EPA has established a public record for the PMN rulemaking (docket number OPTS-50002), which is available for inspection in Rm. E-107, 401 M St., SW., Washington, D.C. 20460 from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. Persons who do not have access to the public reading room should contact Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), at the address given earlier in this notice.

The following information related to this revision and clarification has been added to the record:

(22) USEPA-OTS, "Premanufacture Notification: Premanufacture Notice Requirements and Review Procedures," 48 FR 21722, dated May 13, 1983.

(23) Chemical Manufacturers Association (CMA), "Petition for a Stay of the Final Rule and Notice Form Implementing the Premanufacture Notification Requirements of the Toxic Substances Control Act," dated June 17, 1983.

(24) Society of the Plastics Industry, Inc. (SPI), "Petition of the Society of the Plastics Industry, Inc. for a Stay of the Final Rule and Notice Form Implementing the Premanufacture Notification Requirements of the Toxic

Substances Control Act and a Request That Rule Making Be Reopened," dated June 27, 1983.

(25) USEPA-OTS, Transcript of public seminar on premanufacture notice requirements, dated June 23, 1983.

(26) SPI, Letter to M. E. Williams, Acting Director, Office of Toxic Substances, dated July 27, 1983.

(27) National Paint and Coatings Association, Letter to J. DeSantis, Office of Toxic Substances, dated July 28, 1983.

(28) American Chemical Society (ACS), Letter to D. R. Clay, Acting Assistant Administrator, Office of Pesticides and Toxic Substances, dated July 29, 1983.

(29) CMA, Letter to D. R. Clay, Acting Assistance Administrator, Office of Pesticides and Toxic Substances, dated July 29, 1983.

(30) CMA, Letter to D. R. Clay, Acting Assistance Administrator, Office of Pesticides and Toxic Substances, dated August 17, 1983.

(15 U.S.C. 2604)

List of Subjects in 40 CFR Part 720

Chemicals, Environmental protection. Premanufacture notification, Hazardous material, Recordkeeping and reporting requirements.

Dated: September 6, 1983.

William D. Ruckelshaus,
Administrator.

PART 720—[AMENDED]

Therefore, 40 CFR Part 720 is amended as follows:

§§ 720.3, 720.36, 720.50, and 720.78 [Amended]

1. The effective date of §§ 720.3(y), 720.36, 720.50(c), and 720.78(b) is hereby stayed until further notice.

2. In § 720.102 paragraph (b)(1) is revised and paragraph (d) is added to read as follows:

§ 720.102 Notice of commencement of manufacture or import.

(b) *When to report.* (1) If manufacture or import for commercial purposes begins on or after the effective date of this rule, the submitter must submit the notice to EPA on, or no later than 30 calendar days, after the first day of such manufacture or import.

(d) *Where to submit.* Notices of commencement of manufacture or import should be submitted to: Document Control Officer, Office of Toxic Substances (TS-793), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

[FR Doc. 83-24794 Filed 9-12-83; 8:45 am]

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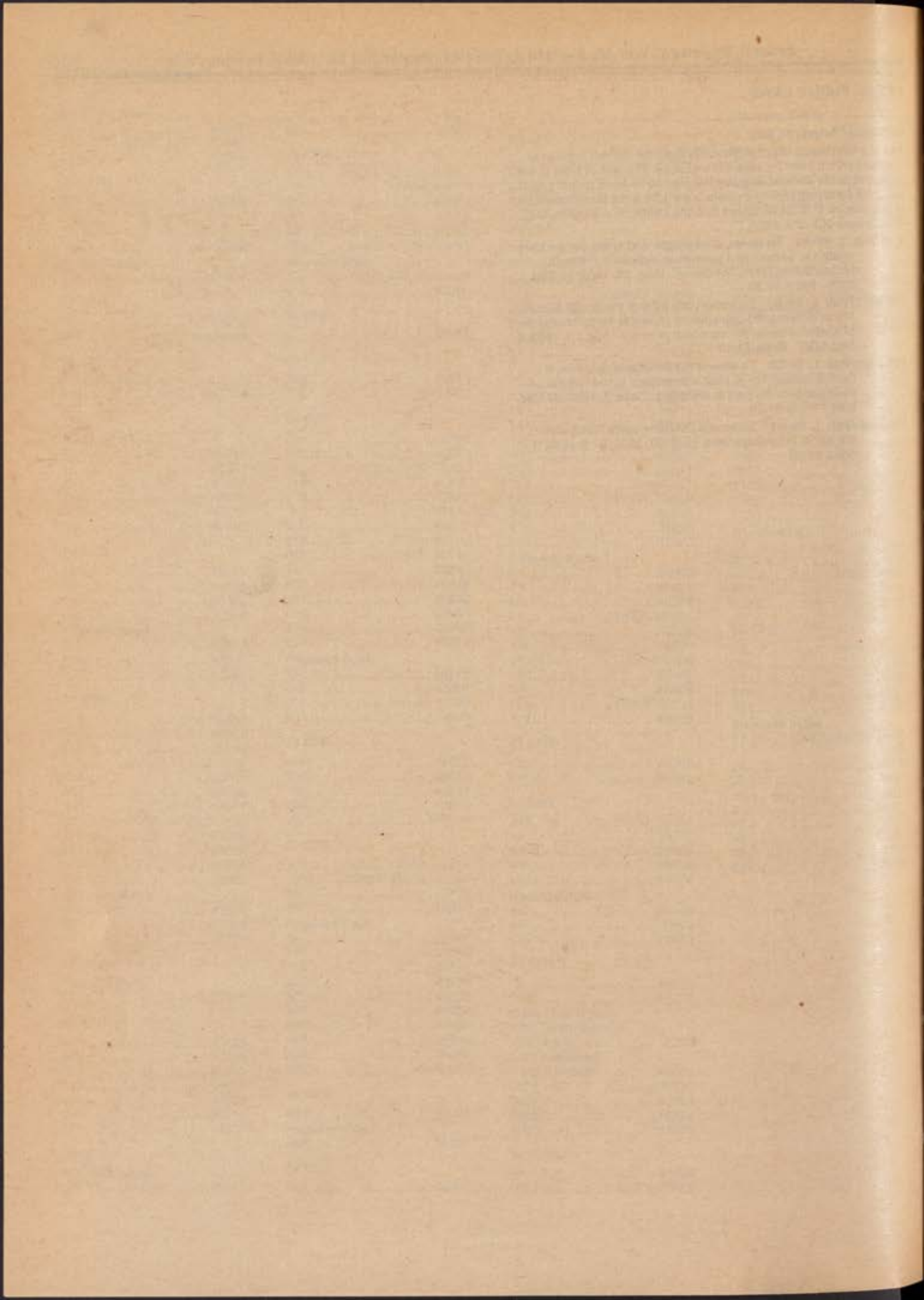
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H.R. 3677/Pub. L. 98-90 To amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program. (Aug. 29, 1983; 97 Stat. 606) Price: \$1.50

H.R. 3409/Pub. L. 98-92 To amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State. (Sept. 2, 1983; 97 Stat. 608) Price: \$1.75

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